



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989-835-2717 FAX ♦ www.cityofmidlandmi.gov

REGULAR MEETING OF THE MIDLAND CITY COUNCIL

May 18, 2020

7:00 PM

Due to Governor Gretchen Whitmer's current Executive Orders requiring social distancing and allowing meetings of public bodies to be held electronically, this meeting will be conducted via videoconference. The City of Midland will utilize Zoom to conduct this videoconference meeting.

AGENDA

To join via videoconference, go to:

<https://zoom.us/join> ~ Webinar ID: 839 9805 4271 ~ Password: 982665

To join via telephone, dial:

1 (312) 626-6799 ~ Webinar ID: 839 9805 4271 ~ Password: 982665

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Steve Arnosky
 Diane Brown Wilhelm
 Maureen Donker
 Pamela Hall
 Marty A. Wazbinski

CONFLICT OF INTEREST DISCLOSURE STATEMENT

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. * Approve minutes of the May 11 regular City Council meeting. ARMSTRONG

PUBLIC HEARINGS:

2. Conditional Use Permit No. 67 - a public hearing for the request of Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street (also see material sent in the April 27 agenda packet). MURSCHEL
3. Conditional Use Permit No. 68 - a public hearing for the request of Midland County Habitat of Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street (also see material sent in the April 27 agenda packet). MURSCHEL
4. Zoning Petition No. 630 - a public hearing to consider a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential (also see material sent in the April 27 agenda packet). MURSCHEL

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

RESOLUTIONS:

5. Adoption of the 2020-21 City budgets and working plans. KEENAN
6. Parks and Recreation COVID-19 related service changes. MURPHY
7. Site Plan No. 399 - initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive. MURSCHEL
8. * Recognizing Creative 360 as a nonprofit organization in the community. TISDALE

Setting a public hearing:

9. * CDBG-CV Budget to schedule a public hearing for June 8, 2020 to review the first round of proposed subrecipient grants for the additional Community Development Block Grant dollars to respond to the COVID-19 pandemic. MURSCHEL
10. * Accepting the special assessment roll for the "2020 Sidewalk Improvement Special Assessment District" and setting the public hearing for June 8, 2020 on the special assessment roll. RIPLEY

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION

Citizen Comment Line: 837-3400
 City of Midland website address: www.cityofmidlandmi.gov

City of Midland email address: cityhall@midland-mi.org
Government Information Center: located near the reference desk at the Grace A. Dow Memorial Library

To provide written comment to City Council regarding items on this agenda, please e-mail: CityHall@midland-mi.org. These communications will be shared with members of the public body. Comments are accepted until 4 p.m. on the day of the meeting. Comment can also be made during the public comment portion of the agenda.

For the hearing impaired, please call 711 to access the FCCs phone relaying service and provide the call-in information above.

Item Attachment Documents:

1. * Approve minutes of the May 11 regular City Council meeting. ARMSTRONG

A regular electronic meeting of the City Council was held on Monday, May 11, 2021, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 827 2334 3953 ~ Password: 049566. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the April 27, 2020 regular electronic meeting was offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm. (Motion ADOPTED by a Roll Call Voice Vote.)

2019-20 BUDGETS AND FINANCIAL WORKING PLANS AMENDMENT

Assistant City Manager David Keenan presented information on amendments to the 2019-20 Budgets and Financial Working Plans. A public hearing opened at 7:31 p.m., recognizing no public comments, the hearing closed at 7:32 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Hall:

WHEREAS, in accord with Sections 5.11 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice and having conducted a public hearing on Monday, May 11, 2020 on the proposal to amend the 2019-20 budgets and financial working plans to reflect the estimates submitted during the 2020-21 budget process; now therefore

RESOLVED, the budgets and working plans of the City of Midland be amended as follows:

	<u>Current</u>	<u>Proposed</u>
GENERAL FUND		
<i>Sources of Funds:</i>		
Property taxes	\$ 28,711,332	\$ 28,782,596
Licenses and permits	513,540	431,839
Intergovernmental	8,420,363	10,155,452
Charges for services	3,024,412	3,011,493
Use and admission charges	354,000	349,722
Investment earnings	450,000	425,000
Other revenues	1,186,378	1,717,888
Transfers from other funds	115,843	99,997
<i>Total Sources of Funds</i>	\$ 42,775,868	\$ 44,973,987
<i>Appropriations:</i>		
General government	\$ 6,642,588	\$ 6,439,137
Public safety	20,842,359	20,606,017
Public works	2,775,321	2,940,411
Sanitation	3,920,356	4,003,584
Parks and recreation	6,887,178	6,612,201
Other functions	3,910,344	3,779,701
Capital projects	1,050,902	1,745,732
Contingencies	338,522	100,000
Transfers to other funds	5,831,018	5,788,322
<i>Total Appropriations</i>	52,198,588	52,015,105
<i>Sources over (under) Appropriations</i>	\$ (9,422,720)	\$ (7,041,118)

UNAPPROVED

MAJOR STREET FUND*Sources of Funds:*

	<u>Current</u>	<u>Proposed</u>
State gas and weight tax	\$ 4,780,450	\$ 4,849,500
County Road Millage / PPT	4,166,116	3,866,116
Intergovernmental	178,842	852,699
Other revenues	1,271,850	1,287,350
<i>Total Sources of Funds</i>	\$ 10,397,258	\$ 10,855,665

Appropriations:

Street maintenance	\$ 2,114,943	\$ 2,090,948
Street construction	10,885,378	11,320,378
Contingencies	14,032	20,000
Transfers to other funds	2,570,379	2,549,784
<i>Total Appropriations</i>	15,584,732	15,981,110
<i>Sources over (under) Appropriations</i>	\$ (5,187,474)	\$ (5,125,445)

LOCAL STREET FUND*Sources of Funds:*

State gas and weight tax	\$ 1,216,400	\$ 1,226,200
Other revenues	192,000	192,000
Transfers from other funds	2,420,000	2,420,000
<i>Total Sources of Funds</i>	\$ 3,828,400	\$ 3,838,200

Appropriations:

Street maintenance	\$ 1,731,277	\$ 1,755,908
Street construction	3,122,340	3,122,340
Contingencies	20,000	10,000
Transfers to other funds	148,310	161,391
<i>Total Appropriations</i>	5,021,927	5,049,639
<i>Sources over (under) Appropriations</i>	\$ (1,193,527)	\$ (1,211,439)

SMARTZONE FUND*Sources of Funds:*

Property taxes	\$ 30,000	\$ 77,546
Other revenues	15,000	15,000
<i>Total Sources of Funds</i>	\$ 45,000	\$ 92,546

Appropriations:

Personal services	\$ 50,000	\$ 50,000
Other services and charges	25,000	25,000
Capital outlay	10,000	5,000
<i>Total Appropriations</i>	85,000	80,000
<i>Sources over (under) Appropriations</i>	\$ (40,000)	\$ 12,546

CENTER CITY AUTHORITY FUND*Sources of Funds:*

Other revenues

Transfers from other funds

Total Sources of Funds*Appropriations:*

Operating expenditures

Total Appropriations***Sources over (under) Appropriations***

Current	Proposed
\$ 700	\$ 101,700
-	7,500
<u>\$ 700</u>	<u>\$ 109,200</u>
\$ 19,431	\$ 217,777
<u>19,431</u>	<u>217,777</u>
<u><u>\$ (18,731)</u></u>	<u><u>\$ (108,577)</u></u>

STORM WATER MANAGEMENT FUND*Sources of Funds:*

License and permits

Other

Transfers from other funds

Total Sources of Funds*Appropriations:*

Storm system maintenance

Contingencies

Capital expenditures

Capital projects

Transfers to other funds

Total Appropriations***Sources over (under) Appropriations***

\$ 24,900	\$ 23,400
17,480	17,540
1,218,689	1,711,175
<u>\$ 1,261,069</u>	<u>\$ 1,752,115</u>
\$ 752,175	\$ 942,732
25,000	25,000
8,000	8,000
1,098,000	586,000
-	512,000
<u>1,883,175</u>	<u>2,073,732</u>
<u><u>\$ (622,106)</u></u>	<u><u>\$ (321,617)</u></u>

GRACE A. DOW MEMORIAL LIBRARY FUND*Sources of Funds:*

Property taxes

PPT reimbursement

Library services

Other revenues

Transfers from other funds

Total Sources of Funds*Appropriations:*

Operating expenditures

Capital projects

Capital expenditures

Total Appropriations***Sources over (under) Appropriations***

\$ 2,079,712	\$ 2,084,061
322,537	323,646
480,179	437,357
291,650	531,800
1,405,933	1,393,201
<u>\$ 4,580,011</u>	<u>\$ 4,770,065</u>
\$ 4,375,011	\$ 4,264,898
54,230	54,230
645,000	532,000
<u>5,074,241</u>	<u>4,851,128</u>
<u><u>\$ (494,230)</u></u>	<u><u>\$ (81,063)</u></u>

COMMUNITY DEVELOPMENT BLOCK GRANT FUND

Sources of Funds:

Federal grants	\$ 485,376	\$ 485,376
Program income	20,000	20,000
Total Sources of Funds	\$ 505,376	\$ 505,376

Appropriations:

Administration	\$ 50,500	\$ 50,500
Residential home rehabs	82,000	82,000
Public facilities improvements	100,000	100,000
Other expenditures	39,522	39,522
Contingencies	10,000	10,000
Transfers to other funds	221,718	126,072
Total Appropriations	503,740	408,094
Sources over (under) Appropriations	\$ 1,636	\$ 97,282

HOMELAND SECURITY GRANT PROGRAM

Sources of Funds:

Federal grants	\$ 821,162	\$ 963,525
Total Sources of Funds	\$ 821,162	\$ 963,525

Appropriations:

Personal services	\$ 45,176	\$ -
Other services and charges	775,986	956,066
Total Appropriations	821,162	956,066
Sources over (under) Appropriations	\$ -	\$ 7,459

SPECIAL ACTIVITIES FUND

Sources of Funds:

Grant revenues	\$ 9,000	\$ 9,000
Admission fees	43,000	38,000
Contributions and other	32,750	98,250
Transfers from other funds	-	32,383
Total Sources of Funds	\$ 84,750	\$ 177,633

Appropriations:

Other expenditures	\$ 79,000	\$ 170,053
Transfers to other funds	14,000	11,110
Total Appropriations	93,000	181,163
Sources over (under) Appropriations	\$ (8,250)	\$ (3,530)

MIDLAND HOUSING FUND

Sources of Funds:

Sale of assets and other	\$ 200,000	\$ 215,000
Interest and other	4,900	19,700
Total Sources of Funds	\$ 204,900	\$ 234,700

Appropriations:

Cost of assets sold and other	\$ 206,500	\$ 221,500
Total Appropriations	206,500	221,500
Sources over (under) Appropriations	\$ (1,600)	\$ 13,200

DIAL-A-RIDE TRANSPORTATION FUND*Sources of Funds:*

	Current	Proposed
Operating revenues	\$ 125,000	\$ 97,000
Federal funds	783,398	899,414
State funds	863,390	831,086
Other revenues	5,744	5,744
Transfers from other funds	629,099	591,635
Total Sources of Funds	\$ 2,406,631	\$ 2,424,879

Appropriations:

Operating expenditures	\$ 2,320,396	\$ 2,338,644
Capital expenditures	76,235	76,235
Contingencies	10,000	10,000
Total Appropriations	2,406,631	2,424,879
Sources over (under) Appropriations	\$ -	\$ -

MIDLAND COMMUNITY TELEVISION FUND*Sources of Funds:*

Franchise fees	\$ 709,000	\$ 681,500
Other revenues	19,900	22,706
Total Sources of Funds	\$ 728,900	\$ 704,206

Appropriations:

Operating expenditures	\$ 742,732	\$ 647,896
Capital expenditures	28,000	-
Contingencies	15,000	-
Total Appropriations	785,732	647,896
Sources over (under) Appropriations	\$ (56,832)	\$ 56,310

DOWNTOWN DEVELOPMENT AUTHORITY FUND*Sources of Funds:*

Property taxes	\$ 686,286	\$ 931,068
Intergovernmental	-	10,829
Other revenues	9,350	17,900
Transfers from other funds	26,500	26,500
Total Sources of Funds	\$ 722,136	\$ 986,297

Appropriations:

Operating expenditures	\$ 650,954	\$ 692,936
Transfers to other funds	45,000	72,383
Total Appropriations	695,954	765,319
Sources over (under) Appropriations	\$ 26,182	\$ 220,978

DEBT SERVICE FUND*Sources of Funds:*

	Current	Proposed
Property taxes	\$ 533,654	\$ 533,201
Intergovernmental	102,682	104,853
Other revenues	8,000	8,000
Transfers from other funds	1,750,986	1,750,986
Total Sources of Funds	\$ 2,395,322	\$ 2,397,040

Appropriations:

Debt service	\$ 1,560,500	\$ 1,560,500
Transfers to other funds	826,725	826,725
Total Appropriations	2,387,225	2,387,225
Sources over (under) Appropriations	\$ 8,097	\$ 9,815

CIVIC ARENA FUND*Sources of Funds:*

Operating revenue	\$ 1,054,500	\$ 999,119
Other revenues	34,000	36,250
Transfers from other funds	350,000	350,000
Total Sources of Funds	\$ 1,438,500	\$ 1,385,369

Appropriations:

Operating expenses	\$ 1,039,943	\$ 963,194
Capital expenses	284,415	106,927
Capital projects	40,000	25,397
Debt service	334,575	334,575
Contingencies	25,000	20,000
Total Appropriations	1,723,933	1,450,093
Sources over (under) Appropriations	\$ (285,433)	\$ (64,724)

LANDFILL FUND*Sources of Funds:*

Landfill operating revenue	\$ 2,782,000	\$ 3,110,000
Electricity sales	1,052,580	908,020
Investment earnings	157,000	115,000
Other revenues	172,100	171,816
Total Sources of Funds	\$ 4,163,680	\$ 4,304,836

Appropriations:

Operating expenses	\$ 4,223,177	\$ 4,086,504
Capital expenses	1,400,482	1,372,500
Capital projects	580,000	580,000
Debt service	380,187	380,188
Contingencies	45,000	45,000
Total Appropriations	6,628,846	6,464,192
Sources over (under) Appropriations	\$ (2,465,166)	\$ (2,159,356)

WASHINGTON WOODS FUND*Sources of Funds:*

	Current	Proposed
Operating revenues	\$ 1,648,050	\$ 1,810,480
Other revenues	14,700	21,750
Transfers from other funds	191,718	96,072
<i>Total Sources of Funds</i>	\$ 1,854,468	\$ 1,928,302

Appropriations:

Operating expenses	\$ 1,502,340	\$ 1,494,047
Other expenses	236,525	250,525
Capital expenses	541,718	96,072
Capital projects	18,262	18,262
Contingencies	10,000	10,000
<i>Total Appropriations</i>	2,308,845	1,868,906
<i>Sources over (under) Appropriations</i>	\$ (454,377)	\$ 59,396

RIVERSIDE PLACE FUND*Sources of Funds:*

Operating revenues	\$ 2,113,500	\$ 2,159,761
Other revenues	78,168	90,680
<i>Total Sources of Funds</i>	\$ 2,191,668	\$ 2,250,441

Appropriations:

Operating expenses	\$ 1,678,072	\$ 1,704,243
Other expenses	554,500	589,550
Capital expenses	111,777	42,017
Contingencies	10,000	10,000
<i>Total Appropriations</i>	2,354,349	2,345,810
<i>Sources over (under) Appropriations</i>	\$ (162,681)	\$ (95,369)

CURRIE MUNICIPAL GOLF COURSE FUND*Sources of Funds:*

Operating revenues	\$ 1,002,205	\$ 877,153
Other revenues	92,810	117,280
Transfers from other funds	250,000	250,000
<i>Total Sources of Funds</i>	\$ 1,345,015	\$ 1,244,433

Appropriations:

Operating expenses	\$ 1,082,210	\$ 1,020,852
Contingencies	20,000	10,000
Capital expenses	149,125	149,125
Capital projects	50,400	50,400
Debt service - leases	29,457	29,457
<i>Total Appropriations</i>	1,331,192	1,259,834
<i>Sources over (under) Appropriations</i>	\$ 13,823	\$ (15,401)

PARKING FUND*Sources of Funds:*

	Current	Proposed
Operating revenues	\$ 100,580	\$ 99,165
Other revenues	15,025	15,005
Transfers from other funds	60,000	60,000
Total Sources of Funds	\$ 175,605	\$ 174,170

Appropriations:

Operating expenses	\$ 197,197	\$ 198,094
Total Appropriations	197,197	198,094
Sources over (under) Appropriations	\$ (21,592)	\$ (23,924)

WASTEWATER FUND*Sources of Funds:*

Operating revenues	\$ 6,589,310	\$ 6,531,618
Other revenues	348,223	377,268
Transfers from other funds	826,725	1,338,725
Total Sources of Funds	\$ 7,764,258	\$ 8,247,611

Appropriations:

Operating expenses	\$ 5,101,433	\$ 5,220,874
Capital expenses	1,291,176	1,291,176
Capital projects	2,547,036	2,547,036
Debt service	1,377,926	1,377,876
Contingencies	50,000	50,000
Total Appropriations	10,367,571	10,486,962
Sources over (under) Appropriations	\$ (2,603,313)	\$ (2,239,351)

WATER FUND*Sources of Funds:*

Operating revenues	\$ 11,369,687	\$ 11,574,031
Contractual revenue	874,722	874,722
Other revenues	243,270	291,115
Total Sources of Funds	\$ 12,487,679	\$ 12,739,868

Appropriations:

Operating expenses	\$ 9,480,901	\$ 9,467,360
Capital expenses	646,530	706,530
Capital projects	5,643,444	6,008,444
Debt service	194,350	194,350
Contingencies	47,800	47,800
Total Appropriations	16,013,025	16,424,484
Sources over (under) Appropriations	\$ (3,525,346)	\$ (3,684,616)

STORES REVOLVING FUND*Sources of Funds:*

Operating revenues

Other revenues

Total Sources of Funds*Appropriations:*

Operating expenses

Total Appropriations***Sources over (under) Appropriations***

	Current	Proposed
Operating revenues	\$ 825,000	\$ 736,000
Other revenues	5,220	4,325
<i>Total Sources of Funds</i>	\$ 830,220	\$ 740,325
Operating expenses	\$ 757,030	\$ 677,435
<i>Total Appropriations</i>	757,030	677,435
<i>Sources over (under) Appropriations</i>	\$ 73,190	\$ 62,890

INFORMATION SERVICES FUND*Sources of Funds:*

Operating revenues

Other revenues

Total Sources of Funds*Appropriations:*

Operating expenses

Capital expenses

Contingencies

Total Appropriations***Sources over (under) Appropriations***

Operating revenues	\$ 1,010,543	\$ 1,014,338
Other revenues	29,700	23,770
<i>Total Sources of Funds</i>	\$ 1,040,243	\$ 1,038,108
Operating expenses	\$ 1,168,869	\$ 1,149,556
Capital expenses	64,018	64,018
Contingencies	25,000	25,000
<i>Total Appropriations</i>	1,257,887	1,238,574
<i>Sources over (under) Appropriations</i>	\$ (217,644)	\$ (200,466)

EQUIPMENT REVOLVING FUND*Sources of Funds:*

Operating revenues

Non operating

Other revenues

Total Sources of Funds*Appropriations:*

Operating expenses

Capital expenses

Contingencies

Total Appropriations***Sources over (under) Appropriations***

Operating revenues	\$ 5,653,593	\$ 5,773,709
Non operating	134,500	155,546
Other revenues	43,000	40,000
<i>Total Sources of Funds</i>	\$ 5,831,093	\$ 5,969,255
Operating expenses	\$ 3,329,061	\$ 3,223,648
Capital expenses	2,252,954	2,251,431
Contingencies	25,000	25,000
<i>Total Appropriations</i>	5,607,015	5,500,079
<i>Sources over (under) Appropriations</i>	\$ 224,078	\$ 469,176

MUNICIPAL SERVICE CENTER FUND*Sources of Funds:*

Operating revenues

Other revenues

Total Sources of Funds*Appropriations:*

Operating expenses

Capital expenses

Contingencies

Total Appropriations***Sources over (under) Appropriations***

Operating revenues	\$ 420,255	\$ 420,255
Other revenues	16,494	10,564
<i>Total Sources of Funds</i>	\$ 436,749	\$ 430,819
Operating expenses	\$ 284,843	\$ 279,961
Capital expenses	427,132	427,132
Contingencies	10,000	10,000
<i>Total Appropriations</i>	721,975	717,093
<i>Sources over (under) Appropriations</i>	\$ (285,226)	\$ (286,274)

UNAPPROVED

MUNICIPAL SERVICE ANNEX FUND*Sources of Funds:*

Operating revenues

	Current	Proposed
Operating revenues	\$ 31,909	\$ 31,909
Other revenues	2,235	1,730
Total Sources of Funds	\$ 34,144	\$ 33,639

Other revenues

Total Sources of Funds*Appropriations:*

Operating expenses

Operating expenses	\$ 23,002	\$ 23,362
Capital expenses	20,637	20,637
Contingencies	5,000	5,000
Total Appropriations	48,639	48,999
Sources over (under) Appropriations	\$ (14,495)	\$ (15,360)

Capital expenses

Contingencies

Total Appropriations**Sources over (under) Appropriations****PROPERTY AND LIABILITY INSURANCE FUND***Sources of Funds:*

Operating revenues

Operating revenues	\$ 540,859	\$ 540,859
Other revenues	180,000	76,955
Total Sources of Funds	\$ 720,859	\$ 617,814

Other revenues

Total Sources of Funds*Appropriations:*

Operating expenses

Operating expenses	\$ 879,000	\$ 763,057
Total Appropriations	879,000	763,057
Sources over (under) Appropriations	\$ (158,141)	\$ (145,243)

Total Appropriations**Sources over (under) Appropriations****HEALTH INSURANCE FUND***Sources of Funds:*

Service charges

Service charges	\$ 10,770,500	\$ 10,732,000
Other revenues	430,000	398,596
Total Sources of Funds	\$ 11,200,500	\$ 11,130,596

Other revenues

Total Sources of Funds*Appropriations:*

Insurance claims and premiums

Insurance claims and premiums	\$ 11,378,500	\$ 10,724,784
Total Appropriations	11,378,500	10,724,784
Sources over (under) Appropriations	\$ (178,000)	\$ 405,812

Total Appropriations**Sources over (under) Appropriations****SPECIAL ASSESSMENT REVOLVING FUND***Sources of Funds:*

Operating revenues

Operating revenues	\$ 40,000	\$ 40,000
Other revenues	35,843	27,887
Total Sources of Funds	\$ 75,843	\$ 67,887

Other revenues

Total Sources of Funds*Appropriations:*

Transfers to other funds

Transfers to other funds	\$ 75,843	\$ 67,887
Total Appropriations	75,843	67,887
Sources over (under) Appropriations	\$ -	\$ -

Total Appropriations**Sources over (under) Appropriations**

(Motion ADOPTED by a Roll Call Voice Vote.)

PROPOSED 2020-21 CITY OF MIDLAND BUDGET

Assistant City Manager David Keenan presented an overview of the City Manager's Proposed 2020-21 Budget. A public hearing opened at 7:42 p.m., recognizing no public comments, the hearing closed at 7:43 p.m.

PUBLIC COMMENTS

No public comments were made.

MIDLAND PROFESSIONAL FIREFIGHTERS LOCAL 1315 LABOR AGREEMENT

Director of Human Resources Carol Stone presented on the negotiated contract settlement and the related budget modifications and transfers. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the final contract document between the City of Midland and the Midland Professional Firefighters Local 1315 for labor contract changes effective July 1, 2019 and expiring June 30, 2021; and

RESOLVED FURTHER, that the Assistant City Manager is hereby authorized to make appropriate transfers and modifications in the current budget to implement the wage and benefits changes identified in the contract. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 ROCKWELL DRIVE RECONSTRUCTION & WATER MAIN; CONTRACT NO. 12

City Engineer Josh Frederickson presented information on the project and proposed contract. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for water main installation and the street reconstruction of Rockwell Drive from Bay City Road to Fast Ice Drive; and

WHEREAS, funding for this project is provided by the Major Street Fund and the Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Fisher Contracting Co. of Midland, Michigan for the "2020 Rockwell Drive Reconstruction & Water Main; Contract No. 12" project, in the amount of \$437,789.00, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$40,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 EMERSON PARK BRIDGE DEMOLITION; CONTRACT NO. 10

The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the demolition of the Emerson Park Bridge, which carries Emerson Park Road over the Sturgeon River; and

WHEREAS, funding for this project is provided by the Local Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by J.R. Heineman & Son, Inc. of Saginaw, Michigan for the "2020 Emerson Park Bridge Demolition; Contract No. 10" project, in the amount of \$111,606.00, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$15,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

SENIOR HOUSING HEALTH CARE SERVICES CONTRACT EXTENSION

The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

WHEREAS, a bid to provide optional services to the regular residents of Riverside Place and Washington Woods and Supportive Living Services to those enrolled residents at Riverside Place

UNAPPROVED

was awarded to Heartland Home Health Care Services, LLC d/b/a Heartland Home Care on June 23, 2008, and

WHEREAS, Heartland Home Care has successfully met the terms of past expiring agreements; and the current agreement through June 30, 2020; and

WHEREAS, the City's senior living communities would like to extend the existing agreement with Heartland Home Health Services, LLC, 1320 Waldo Ave, Suite 300 Midland, MI 48642, to provide optional services to the regular residents of Riverside Place and Washington Woods and Supportive Living services to those enrolled residents of Riverside Place; and

WHEREAS, the agreement is for a three-year period beginning July 1, 2020; and

WHEREAS, Heartland Home Health Care Services, LLC has agreed not to increase the Supportive Living base rates for the agreement running from July 1, 2020 to June 30, 2023; and

WHEREAS, the Senior Housing residents will pay for these services on a user fee basis; and

WHEREAS, the agreement has been reviewed by the City Attorney and Heartland Home Health Care Services, LLC; now therefore

RESOLVED, that the agreement between Heartland Home Health Care Services, LLC and the City of Midland is hereby approved and accepted as favorable to the City; and

RESOLVED FURTHER, that the City Manager and Senior Housing Manager are authorized to sign the agreement in accord with the proposal and the City's specifications. (Motion ADOPTED by a Roll Call Voice Vote.)

SARA SPECIAL ASSESSMENT DISTRICT REPORT

The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

WHEREAS, the City Council has reviewed said report in order to decide the cost, extent and necessity of the proposed improvement program; and

WHEREAS, the Council finds and determines that said improvements, as before listed, appear to be necessary public improvements conducive to the general health, convenience and welfare of the people of the City of Midland and that the estimated period of usefulness of said improvements is two (2) years; and

WHEREAS, said public improvements shall constitute one special assessment district to be known as:

“2020 DOWNTOWN ECONOMIC REVITALIZATION PUBLIC IMPROVEMENT SPECIAL ASSESSMENT DISTRICT”

Which is hereby established and that said district comprises the following described lands and premises:

That area located in the Southwest ¼ of Section 16, the Southeast ¼ of Section 17, the Northwest ¼ of Section 21, and the Northeast ¼ of Section 20, bounded by West Main Street, Ripley Street, Eastman Avenue, Buttles Street, Cronkright Street, the Tittabawassee River, the “Tridge”, and all lands within 100 feet of the structure, the Tittabawassee River, and Isabella Street (M-20) excepting the Southeasterly 10 feet of Lot 4, and all of Lots 9, 10, 11 and 12 of Block 35, Carpenter and Hines Addition, all within the City of Midland, Midland County, Michigan.

; and

WHEREAS, the proposed improvements and work to be completed in said Special Assessment District shall consist of advertising, promotions and events, holiday decoration rental and contributions toward the salary and miscellaneous expenses for the Downtown Development Authority office staff support, and that the total estimated cost and expense thereof is ninety thousand dollars, (\$90,000.00); and

WHEREAS, the proportion of the cost and expense of said improvements to be borne and paid for by the City at large, County, and/or DDA shall be zero (\$0) and that all other costs and expenses of said revitalization program amounting to ninety thousand dollars (\$90,000.00) shall be borne and paid by special assessments on all lands and premises in said Special Assessment

UNAPPROVED

District as established above, in proportion to the estimated benefits resulting thereto from the improvement, determined as near as practicable on a front foot basis; now therefore RESOLVED, that the report concerning said improvements is hereby adopted and shall be placed on file in the office of the City Clerk, and the same shall be available for public inspection during regular business hours; and that the City Council will meet in the City Hall, 333 W. Ellsworth or virtually due to social distancing guidelines as a result of the coronavirus pandemic, on Monday, June 8, at 7:00 p.m. to hear any objections or suggestions regarding the proposed improvements; and

RESOLVED FURTHER, in the event the meeting on June 8, 2020 is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting; and

RESOLVED FURTHER, that the City Clerk shall give notice of said hearing of necessity by causing a notice of this resolution to be published once in the Midland Daily News at least one week prior to said hearing date, and that the City Clerk shall also give notice of said hearing date to each property owner subject to special assessment by reason of said improvement, the address of said property owners to be taken from the latest tax assessment roll in the City Assessor's office in accordance with Act 162 of Public Acts of Michigan 1962. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 8:00 p.m.

Erica Armstrong, City Clerk

Item Attachment Documents:

2. Conditional Use Permit No. 67 - a public hearing for the request of Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street (also see material sent in the April 27 agenda packet). MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of May 18, 2020

SUBJECT: Conditional Use Permit No. 67

INITIATED BY: Benjamin Hayes

RESOLUTION

SUMMARY: This resolution will approve the request from Benjamin Hayes for a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report
4. Planning Commission minutes
5. Location maps

CITY COUNCIL ACTION:

1. Public hearing is required
2. 3/5 vote required to approve resolution

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, March 10, 2020, the Planning Commission held a public hearing for Conditional Use Permit No. 67 the request from Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street. The request is to permit only a single-family home, no other uses allowable by conditional use permit approval are being considered at this time.

Conditional Use Permit petitions are subject to both non-discretionary (site plan) and discretionary standards. Discretionary standards are found in Section 28.03B of the City's zoning ordinance and are to be determined by the City Council during deliberation on the petition. They include: protection of public health, safety and general welfare, compatibility with surrounding land uses, detrimental effects, impact of traffic, adequacy of public services, protection of site characteristics, compatibility with natural environment, compatibility with the Master Plan and intent of Zoning Ordinance and public comments.

Conditional Use Permit No. 67 was recommended for approval by City Planning Staff for reasons outlined in the staff report attached hereto. After the public hearing and deliberation on the request, it was moved by Sajbel and seconded by Rodgers that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 67.

Vote on the Motion:

YEAS: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
NAYS: None
ABSENT: Heying and Mayville

Motion approved by a vote of 7 to 0.

No written comments have been received ahead of the meeting and no comments were heard during the public hearing on this request. Due to the coronavirus (COVID-19) pandemic and the need to give proper notice of the virtual meeting setup, the public hearing was rescheduled to May 18, 2020 following consultation with the applicant. The enclosed resolution will approve Conditional Use Permit No. 67.

Sincerely,

Grant Murschel
Director of Planning & Community Development



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, Benjamin Hayes has submitted a request for a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 67, in accord with documents provided and submitted at the meeting of May 18, 2020.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 18, 2020.

Erica Armstrong, City Clerk



Report No. CUP #67

Date: March 3, 2020

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit #67

APPLICANT: Benjamin Hayes

PROPOSED: Single Family Residential use in OS Office Service

LOCATION: 2905 W Wackerly

AREA: 0.88 acres

ZONING: OS Office Service

ADJACENT ZONING: North: OS Office Service & NC Neighborhood Commercial
East: OS Office Service & RA-4 One & Two Family Residential
South: RA-1 Single Family Residential
West: RA-4 One & Two Family Residential

ADJACENT DEVELOPMENT: North: Single family residential and office
East: Dental office & duplex condominiums
South: Single family residential
West: Duplex condominiums

BACKGROUND

Conditional Use Permit No. 67 is a request from Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W Wackerly Street.

The subject parcel is zoned OS Office Service by the City of Midland Zoning Ordinance.

CONDITIONAL USE PERMIT EVALUATION

Article 28.00 of the City of Midland Zoning Ordinance requires that the Planning Commission shall review the application for a conditional land use according to the procedures in this Article, together with the public hearing findings and reports and recommendations from the Planning and Community Development staff, City Engineering Department, Midland County Road Commission, Midland County Health Department, Midland County Drain Commissioner, Fire Department, City of Midland City Police Department and other reviewing agencies. The Planning Commission shall then make a recommendation to the City Council, solely based on the requirements and standards of this Ordinance. The Planning Commission shall submit to the City Council a written recommendation of approval, denial, or approval with conditions

within forty-five (45) days of the close of the public hearing required for a conditional land use proposal.

Approval of a conditional land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 27.00, applicable site development standards for specific uses set forth in Article 9.00, and the following standards:

A. Non-Discretionary Standards

1. The conditional land use shall be in accord with the provisions of the Zoning Ordinance of the City of Midland. The specific criterion for each of the ordinance sections is outlined below.
2. Compliance with all of the standards in Section 27.06(A).
 - a. **Adequacy of Information**
All required information related to this proposal are contained within the materials provided by the applicant.
 - b. **Site Design Characteristics**
The existing single-family residential home is located in the middle of the property with the front facing to the north. The existing detached garage is facing south and is to the east of the residential home.
 - c. **Landscaping**
The site contains a multitude of mature trees and other landscaping common to single-family residential. The City does not regulate landscaping of single-family homes.
 - d. **Compliance with District Regulations**
The site meets all dimensional regulations.
 - e. **Preservation of Natural Features**
The multitude of existing mature trees are to be retained as part of this proposal.
 - f. **Privacy**
This proposal does not include privacy screening. Single family residential structures are not required to provide any privacy screening.
 - g. **Ingress and Egress**
This proposal does not seek to change the existing means of vehicular ingress or egress. The current layout is seen as adequate for ingress and egress.
 - h. **Pedestrian Circulation**
The existing sidewalk provisions are seen as adequate for this property.
 - i. **Vehicular Circulation**
Vehicular circulation remains unchanged by this proposal and will remain adequate for the use.

j. **Parking**

Parking remains unchanged by this proposal and is seen as adequate for the use.

k. **Drainage**

No drainage concerns were identified in the review of this proposal.

l. **Soil Erosion & Sedimentation Control**

A soil erosion and sedimentation control permit application will not be necessary.

m. **Exterior Lighting**

No additional lighting is proposed within this request.

n. **Public Services**

No additional public services would be required as a result of this request.

o. **Screening**

Additional screening is not required or proposed as a part of this request.

p. **Sequence of development**

No new development is required as part of this proposal.

q. **Coordination with adjacent sites**

The application impacts only the subject property.

r. **Signs**

No additional signage is proposed.

3. **Access to the proposed development shall be in accordance with applicable city ordinances.**

The site will be accessed from an existing driveway unaffected by this request.

4. **Adequate provision is made for fire protection within the site in accordance with Chapter 8 of the Code of Ordinances of the City of Midland.**

Adequate access and provisions are adequate for fire protection.

B. **Discretionary Standards** *(To be determined by the Planning Commission during deliberation on the request)*

1. **Protection of the Public Health, Safety, and General Welfare**

The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

2. **Compatibility With Surrounding Uses**

The conditional use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district and adjacent districts. In determining whether this requirement has been met, consideration shall be given by the Planning Commission to the following issues:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses. Any proposed building shall be compatible with the predominant type of building in the particular district in terms of size, character, location or proposed use.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a conditional land use.
- f. Hours of operation shall be compatible with the surrounding neighborhood.

3. **Detrimental Effects**

The proposed conditional land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

4. **Impact of Traffic**

The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, the Planning Commission shall give consideration to the following:

- a. Proximity and access to major thoroughfares and other public streets.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

5. **Adequacy of Public Services**

The proposed conditional land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional land use is established.

6. **Protection of Site Characteristics**

The conditional use shall preserve and incorporate the site's important architectural, natural and scenic features into the development design.

7. Compatibility with Natural Environment

The proposed conditional land use shall be compatible with the natural environment and conserve natural resources and energy, and cause minimal adverse environmental effects.

8. Compatibility with the Master Plan and Intent of Zoning Ordinance

The proposed conditional land use shall be consistent with the general principles and objectives of the City's Master Plan and shall promote the intent and purpose of this Ordinance and of the use district.

9. Public Comments

No public comments have been received ahead of this report.

STAFF RECOMMENDATION

The OS Office Service District is intended to accommodate administrative and professional offices. The OS district may serve as a transition between single-family residential and more intensive development. Within the OS district, single-family homes are permitted only through the issuance of a conditional use permit. This subjective review means that there are instances in the city where a single-family residential unit makes sense in an OS district and there are instances where one would not.

Upon careful review of the request and the surrounding context, staff is supportive of the issuance of a conditional use permit for the single family home. Staff believes that this proposal adequately addresses both the non-discretionary and the discretionary standards that are part of this evaluation.

If granted, staff recommends approval of the request for the following reasons:

1. Conditional use permits require the evaluation of the objective criteria in this report. This development meets all of the objective criteria.
2. Conditional use permits also allow an evaluation of the subjective criteria listed in this report. This development meets all of the subjective criteria.
3. The proposed use would not be detrimental to the general welfare of the adjacent parcels.

Contingencies:

No contingencies have been identified in the review of this request.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this plan at their March 10, 2020 meeting. If the Planning Commission is satisfied that all required information is available and no additional concerns are identified through the public hearing process, a recommendation to the City Council may then be formulated. If a recommendation is made following the public hearing at that time, on March 16, 2020 the City Council will set a public hearing on this matter. Provided both actions take place, and given statutory notification and publication requirements, the City Council hearing will be scheduled for April 13, 2020. Please note that these dates are preliminary and may be adjusted due to Planning

Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is fluid and cursive, with the first name "Grant" and last name "Murschel" clearly distinguishable.

Grant Murschel
Director of Planning & Community Development

GRM/rmg

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, MARCH 10, 2020 7:00 P.M.,
LAW ENFORCEMENT CENTER MULTI PURPOSE ROOM
2727 RODD STREET, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Vice Chairman Hanna.
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.
3. Roll Call

PRESENT: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

ABSENT: Heying and Mayville

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Rachel Guentensberger, Administrative Assistant; and four (4) others

4. **Approval of Minutes**

Broderick made a motion to approve the minutes of the regular meeting of February 11, 2020 with noted correction on page 3, seconded by Rodgers. Motion carries 7-0.

5. **Public Hearings**

- a. Conditional Use Permit No 67. - initiated by Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street.

Murschel gave the staff presentation for Conditional Use Permit No 67.

Benjamin Hayes, 2905 W. Wackerly Street, stated that he has no plans to change or drastically improve the property, his intent is to have it remain a single family home but needs the home to be legally compliant in order for him to refinance the mortgage.

Comments in support – None.

Comments in opposition – None.

Hanna closed the public hearing.

Sajbel made a motion to waive the rules of procedure and render a decision this evening, seconded by Pnacek. Motion carries 7-0.

Sajbel made a motion to recommend approval of Conditional Use Permit No. 67 as proposed. The motion was seconded by Rodgers.

Yeas: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

- b. Conditional Use Permit No 68. - initiated by Midland County Habitat for Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street

Murschel gave the staff presentation for Conditional Use Permit No 68.

Petitioners Jennifer Chappel and Eric Ostrander both with Midland County Habitat for Humanity:

Chappel gave an overview of petition. She also referenced previous Conditional Use Permits for the same type of project in the area of the proposed site. Bain questioned Mr. Ostrander about possible drainage issues on the parcel. Ostrander shared that he has begun consultation with the Engineering Department and they do not anticipate any issues with drainage.

One (1) written comment was received indicating no objection to the proposed.

Comments in support – None.

Comments in opposition – None.

Hanna closed the public hearing.

Pnacek made a motion to waive the rules of procedure and render a decision this evening, seconded by Bain. Motion carries 7-0.

Rodgers made a motion to recommend approval of Conditional Use Permit No. 68 as proposed, seconded by Sajbel.

Yeas: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

6. **Old Business** – None.

7. **Public Comments** (unrelated to items on the agenda) – None.

8. **New Business** – None.

9. **Communications** – None.

10. **Report of the Chairperson** - None.

11. **Report of the Planning Director** - None.

12. **Items for Next Agenda – March 24, 2020**

a. **Zoning Petition No. 630** - a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential.

b. **Site Plan No. 398** - initiated by Fashion Square Investments, LLC for site plan review and approval of a 9,000 square foot oral surgery medical clinic and office located at 5220 Eastman Avenue.

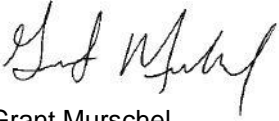
c. **Site Plan No. 399** - initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive.

d. Site Plan Review Process Further Details

13. Adjournment

It was moved by Pnacek and seconded by Sajbel to adjourn at 7:26 p.m. Motion passed unanimously.

Respectfully submitted,

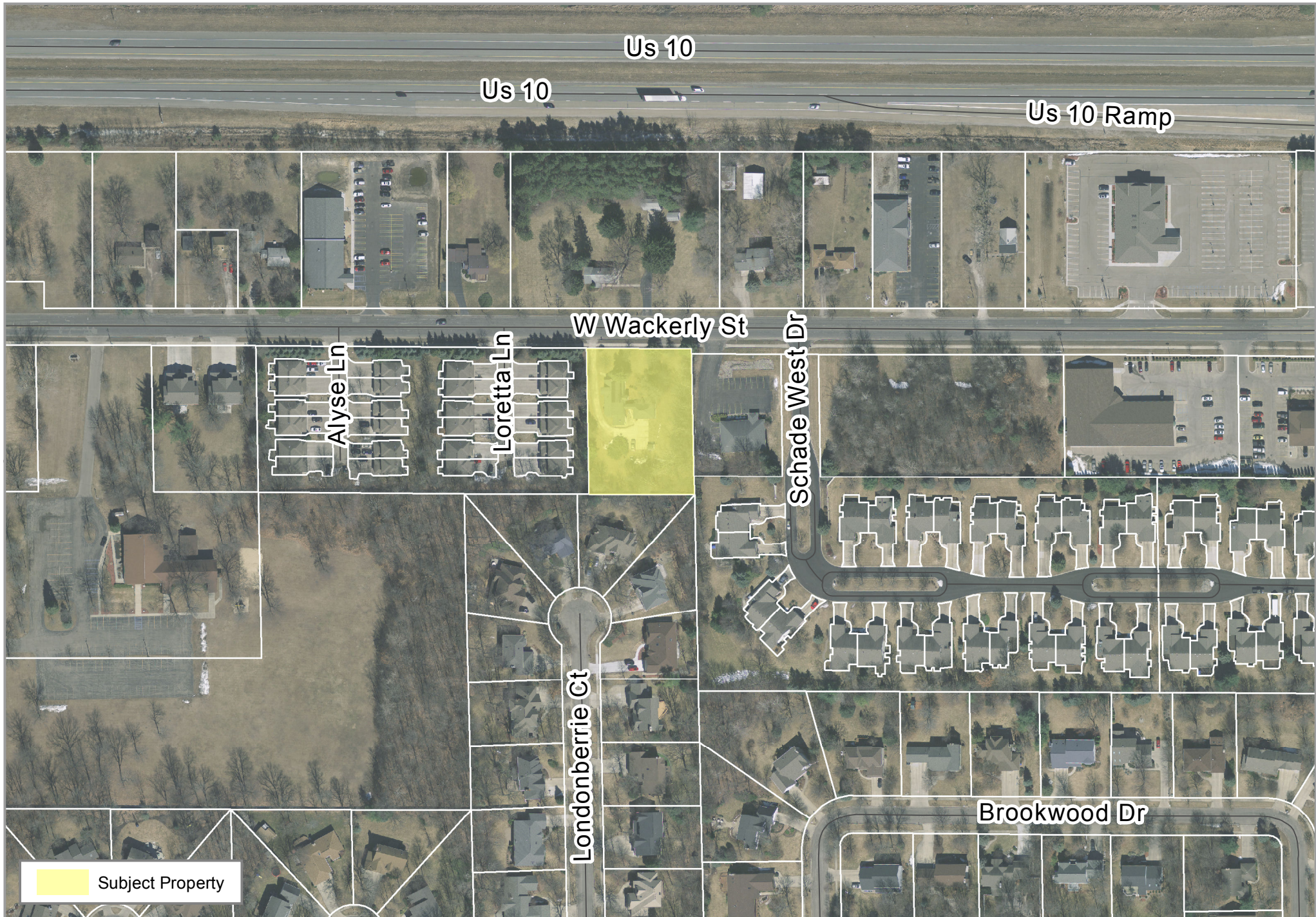


Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

CUP #67 | B Hayes

> 231 W. Wackerly Street



CUP #67 | B Hayes

> 232 W. Wackerly Street



W Wackerly St

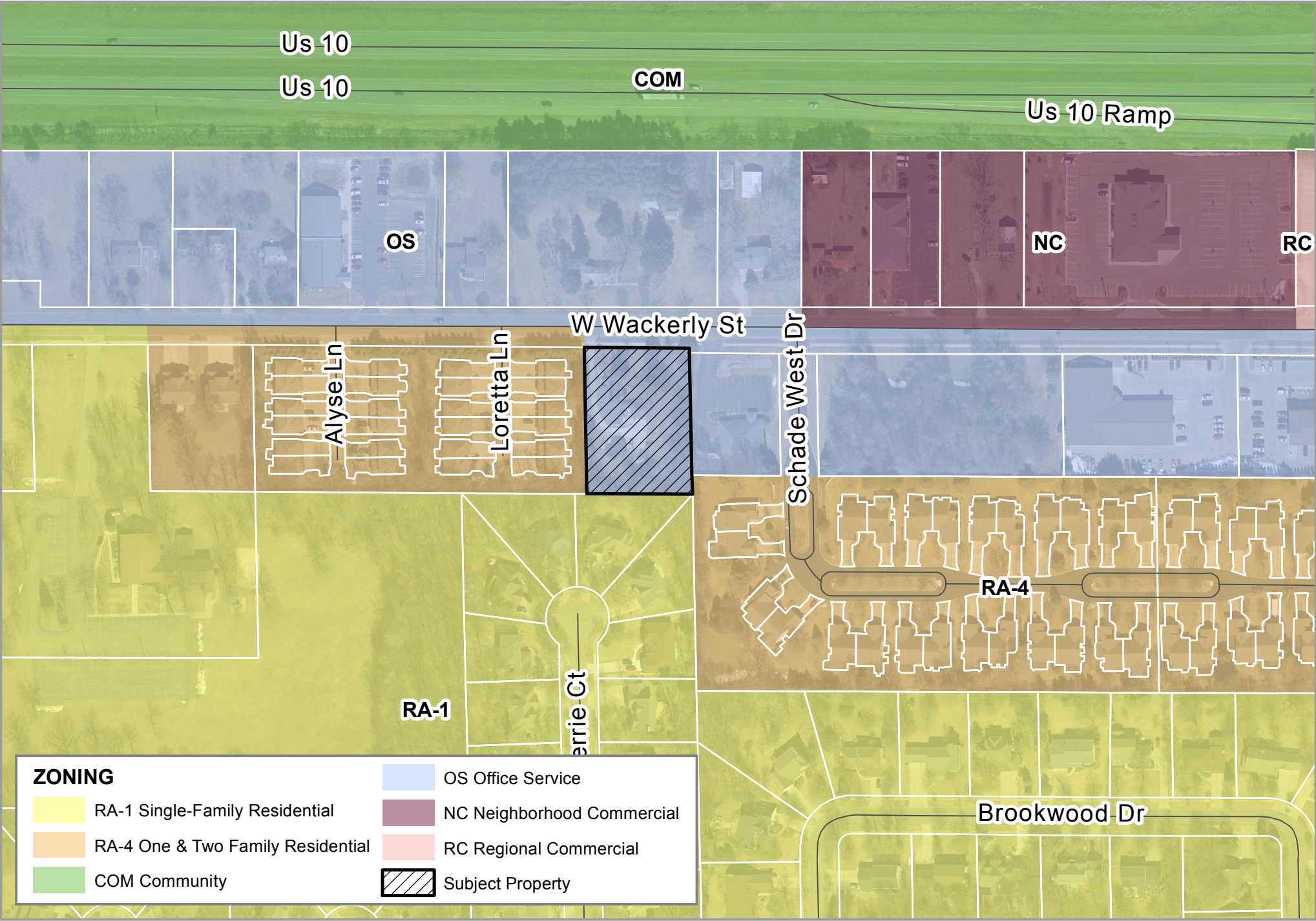
Loretta Ln

Schade West Dr

Subject Property

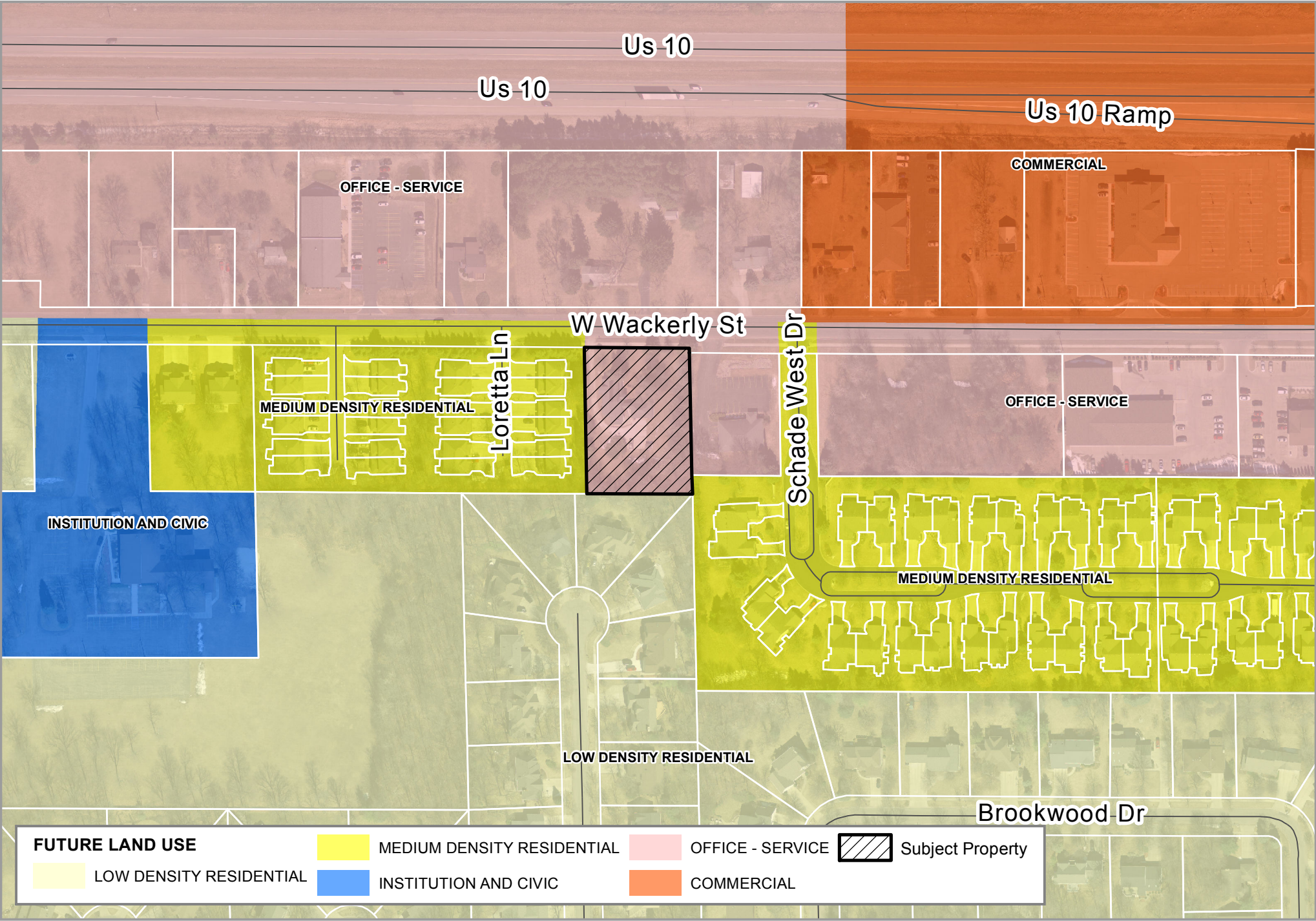
CUP #67 | B Hayes

> 233 W. Wackerly Street



CUP #67 | B Hayes

> 234 W. Wackerly Street



Item Attachment Documents:

3. Conditional Use Permit No. 68 - a public hearing for the request of Midland County Habitat of Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street (also see material sent in the April 27 agenda packet). MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of May 18, 2020

SUBJECT: Conditional Use Permit No. 68

INITIATED BY: Midland County Habitat for Humanity

RESOLUTION

SUMMARY: This resolution will approve the request of Midland County Habitat for Humanity for a Conditional Use Permit for a single family residential dwelling in an RB Multiple Family Residential zoning district. The property is located at 311 Sam Street.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report
4. Planning Commission minutes
5. Location maps
6. Site Plan
7. Communication

CITY COUNCIL ACTION:

1. Public hearing is required
2. 3/5 vote required to approve resolution

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, March 10, 2020, the Planning Commission held a public hearing for Conditional Use Permit No. 68 the request of Midland County Habitat for Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple Family Residential zoning district. The property is located at 311 Sam Street. The request is to permit only a single-family home, no other uses allowable by conditional use permit approval are being considered at this time.

Conditional Use Permit petitions are subject to both non-discretionary (site plan) and discretionary standards. Discretionary standards are found in Section 28.03B of the City's zoning ordinance and are to be determined by the City Council during deliberation on the petition. They include: protection of public health, safety and general welfare, compatibility with surrounding land uses, detrimental effects, impact of traffic, adequacy of public services, protection of site characteristics, compatibility with natural environment, compatibility with the Master Plan and intent of Zoning Ordinance and public comments.

Conditional Use Permit No. 68 was recommended for approval by City Planning Staff for reasons outlined in the staff report attached hereto. After the public hearing and deliberation on the request, it was moved by Rodgers and seconded by Sajbel that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 68.

Vote on the Motion:

YEAS: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
NAYS: None
ABSENT: Heying and Mayville

Motion approved by a vote of 7 to 0.

One written comment indicating no objection was received ahead of the meeting. No comments were made during the public hearing on this request. Due to the coronavirus (COVID-19) pandemic and the need to give proper notice of the virtual meeting setup, the public hearing was rescheduled to May 18, 2020 following consultation with the applicant. The enclosed resolution will approve Conditional Use Permit No. 68.

Sincerely,

Grant Murschel
Director of Planning & Community Development



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the Midland County Habitat for Humanity has submitted a request for a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 68, in accord with documents provided and submitted at the meeting of May 18, 2020.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 18, 2020.

Erica Armstrong, City Clerk



Report No. CUP #68

Date: March 3, 2020

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit #68

APPLICANT: Midland County Habitat of Humanity

PROPOSED: Single Family Residential use in an RB Multiple-Family Zoning District

LOCATION: 311 Sam Street

AREA: 0.70 acres

ZONING: RB Multiple-Family Residential

ADJACENT ZONING: North: RB Multiple-Family Residential
East: RB Multiple-Family Residential
South: RB Multiple-Family Residential
West: RB Multiple-Family Residential

ADJACENT DEVELOPMENT: North: Single-family residential
East: Single-family residential
South: Single-family residential
West: Multiple-family residential

BACKGROUND

Conditional Use Permit No. 68 is a request from the Midland County Habitat of Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street. The applicant is unsure if a three- or four-bedroom home would be constructed as that relates to the future client that the organization would work with; as such, site plans for both a three- and a four-bedroom home have been included.

The subject parcel is zoned RB Multiple-Family by the City of Midland Zoning Ordinance.

CONDITIONAL USE PERMIT EVALUATION

Article 28.00 of the City of Midland Zoning Ordinance requires that the Planning Commission shall review the application for a conditional land use according to the procedures in this Article, together with the public hearing findings and reports and recommendations from the Planning and Community Development staff, City Engineering Department, Midland County Road Commission, Midland County Health Department, Midland County Drain Commissioner, Fire Department, City of Midland City Police Department and other reviewing agencies. The Planning Commission shall then make a recommendation to the City Council, solely based on

the requirements and standards of this Ordinance. The Planning Commission shall submit to the City Council a written recommendation of approval, denial, or approval with conditions within forty-five (45) days of the close of the public hearing required for a conditional land use proposal.

Approval of a conditional land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 27.00, applicable site development standards for specific uses set forth in Article 9.00, and the following standards:

A. Non-Discretionary Standards

1. The conditional land use shall be in accord with the provisions of the Zoning Ordinance of the City of Midland. The specific criterion for each of the ordinance sections is outlined below.
2. Compliance with all of the standards in Section 27.06(A).
 - a. **Adequacy of Information**
All required information related to this proposal are contained within the materials provided by the applicant.
 - b. **Site Design Characteristics**
The proposed home is located near the frontage with Sam Street, leaving the rear of the property open as a rear yard.
 - c. **Landscaping**
The City does not regulate landscaping on single-family homes; however, it is understood that the final build will include some landscaping similar to other Habitat for Humanity homes across the city.
 - d. **Compliance with District Regulations**
The proposal, both the three-bedroom and four-bedroom layouts, meet all dimensional and other district regulations.
 - e. **Preservation of Natural Features**
The portion of the site proposed to be utilized is near the Sam Street frontage. As such, the existing mature trees that exist in the rear of the property are proposed to be retained.
 - f. **Privacy**
This proposal does not include privacy screening. Privacy screening is not regulated by the City for single-family residential use.
 - g. **Ingress and Egress**
Ingress and egress is proposed to be accommodated via a new residential driveway and a sidewalk connection to the driveway. There are no public sidewalks along Sam Street.
 - h. **Pedestrian Circulation**
Pedestrian access and circulation is proposed to be accommodated via the front

sidewalk leading to the porch from the driveway. Pedestrian access will also be available around the proposed home.

i. Vehicular Circulation

Vehicular circulation will be accommodated via the proposed residential driveway.

j. Parking

Parking is proposed to be accommodated via the driveway and the attached garage.

k. Drainage

No drainage concerns were identified in the review of this proposal. The home will be required to provide adequate lot drainage as part of the building permit review.

l. Soil Erosion & Sedimentation Control

A soil erosion and sedimentation control permit application will not be necessary.

m. Exterior Lighting

No additional lighting is proposed within this request.

n. Public Services

No additional public services would be required as a result of this request.

o. Screening

Additional screening is not required or proposed as a part of this request.

p. Sequence of development

The development is intended to be completed in one phase.

q. Coordination with adjacent sites

The application impacts only the subject property.

r. Signs

No additional signage is proposed.

3. Access to the proposed development shall be in accordance with applicable city ordinances.

The site will be accessed from an existing driveway unaffected by this request.

4. Adequate provision is made for fire protection within the site in accordance with Chapter 8 of the Code of Ordinances of the City of Midland.

Adequate access and provisions are adequate for fire protection.

B. Discretionary Standards *(To be determined by the Planning Commission during deliberation on the request)*

1. Protection of the Public Health, Safety, and General Welfare

The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

2. **Compatibility With Surrounding Uses**

The conditional use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district and adjacent districts. In determining whether this requirement has been met, consideration shall be given by the Planning Commission to the following issues:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses. Any proposed building shall be compatible with the predominant type of building in the particular district in terms of size, character, location or proposed use.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a conditional land use.
- f. Hours of operation shall be compatible with the surrounding neighborhood.

3. **Detrimental Effects**

The proposed conditional land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

4. **Impact of Traffic**

The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, the Planning Commission shall give consideration to the following:

- a. Proximity and access to major thoroughfares and other public streets.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

5. **Adequacy of Public Services**

The proposed conditional land use shall be located so as to be adequately served by

essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional land use is established.

6. Protection of Site Characteristics

The conditional use shall preserve and incorporate the site's important architectural, natural and scenic features into the development design.

7. Compatibility with Natural Environment

The proposed conditional land use shall be compatible with the natural environment and conserve natural resources and energy, and cause minimal adverse environmental effects.

8. Compatibility with the Master Plan and Intent of Zoning Ordinance

The proposed conditional land use shall be consistent with the general principles and objectives of the City's Master Plan and shall promote the intent and purpose of this Ordinance and of the use district.

9. Public Comments

One (1) public comment has been received at the time of this report indicating no objection.

STAFF RECOMMENDATION

The RB Multiple-Family District is intended to address the varied housing needs of residents by providing for housing at a high density than is permitted in any of the single- or two-family residential district. Upon careful review of the request and the surrounding context, including the recent construction of other single-family homes on the abutting lots, staff is supportive of the issuance of a conditional use permit. Staff believes that this proposal adequately addresses both the non-discretionary and the discretionary standards that are part of this evaluation.

If granted, staff recommends approval of the request for the following reasons:

1. Conditional use permits require the evaluation of the objective criteria in this report. This development meets all of the objective criteria.
2. Conditional use permits also allow an evaluation of the subjective criteria listed in this report. This development meets all of the subjective criteria.
3. The proposed use would not be detrimental to the general welfare of the adjacent parcels.

Contingencies:

No contingencies have been identified in the review of this request.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this plan at their March 10, 2020 meeting. If the Planning Commission is satisfied that all required

information is available and no additional concerns are identified through the public hearing process, a recommendation to the City Council may then be formulated. If a recommendation is made following the public hearing at that time, on March 16, 2020 the City Council will set a public hearing on this matter. Provided both actions take place, and given statutory notification and publication requirements, the City Council hearing will be scheduled for April 13, 2020. Please note that these dates are preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Grant Murschel". The signature is fluid and cursive, with the first name "Grant" being more prominent than the last name "Murschel".

Grant Murschel
Director of Planning & Community Development

GRM/rmg

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, MARCH 10, 2020 7:00 P.M.,
LAW ENFORCEMENT CENTER MULTI PURPOSE ROOM
2727 RODD STREET, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Vice Chairman Hanna.
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.
3. Roll Call

PRESENT: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

ABSENT: Heying and Mayville

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Rachel Guentensberger, Administrative Assistant; and four (4) others

4. **Approval of Minutes**

Broderick made a motion to approve the minutes of the regular meeting of February 11, 2020 with noted correction on page 3, seconded by Rodgers. Motion carries 7-0.

5. **Public Hearings**

- a. Conditional Use Permit No 67. - initiated by Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street.

Murschel gave the staff presentation for Conditional Use Permit No 67.

Benjamin Hayes, 2905 W. Wackerly Street, stated that he has no plans to change or drastically improve the property, his intent is to have it remain a single family home but needs the home to be legally compliant in order for him to refinance the mortgage.

Comments in support – None.

Comments in opposition – None.

Hanna closed the public hearing.

Sajbel made a motion to waive the rules of procedure and render a decision this evening, seconded by Pnacek. Motion carries 7-0.

Sajbel made a motion to recommend approval of Conditional Use Permit No. 67 as proposed. The motion was seconded by Rodgers.

Yeas: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

- b. Conditional Use Permit No 68. - initiated by Midland County Habitat for Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street

Murschel gave the staff presentation for Conditional Use Permit No 68.

Petitioners Jennifer Chappel and Eric Ostrander both with Midland County Habitat for Humanity:

Chappel gave an overview of petition. She also referenced previous Conditional Use Permits for the same type of project in the area of the proposed site. Bain questioned Mr. Ostrander about possible drainage issues on the parcel. Ostrander shared that he has begun consultation with the Engineering Department and they do not anticipate any issues with drainage.

One (1) written comment was received indicating no objection to the proposed.

Comments in support – None.

Comments in opposition – None.

Hanna closed the public hearing.

Pnacek made a motion to waive the rules of procedure and render a decision this evening, seconded by Bain. Motion carries 7-0.

Rodgers made a motion to recommend approval of Conditional Use Permit No. 68 as proposed, seconded by Sajbel.

Yeas: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

6. **Old Business** – None.

7. **Public Comments** (unrelated to items on the agenda) – None.

8. **New Business** – None.

9. **Communications** – None.

10. **Report of the Chairperson** - None.

11. **Report of the Planning Director** - None.

12. **Items for Next Agenda – March 24, 2020**

a. **Zoning Petition No. 630** - a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential.

b. **Site Plan No. 398** - initiated by Fashion Square Investments, LLC for site plan review and approval of a 9,000 square foot oral surgery medical clinic and office located at 5220 Eastman Avenue.

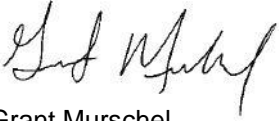
c. **Site Plan No. 399** - initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive.

d. Site Plan Review Process Further Details

13. Adjournment

It was moved by Pnacek and seconded by Sajbel to adjourn at 7:26 p.m. Motion passed unanimously.

Respectfully submitted,

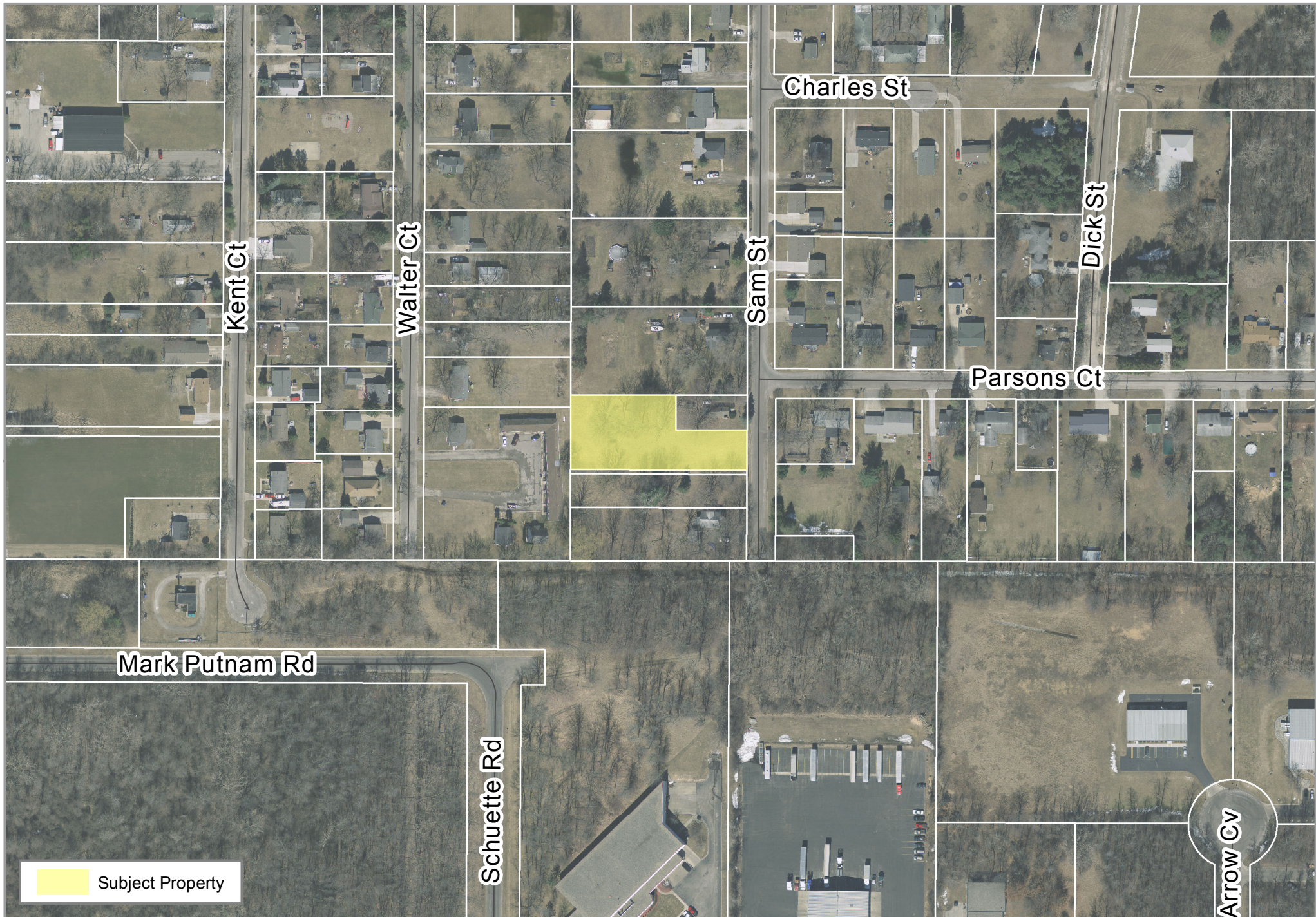


Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

CUP #68 | Midland County Habitat for Humanity

> 3 **48** Sam Street



CUP #68 | Midland County Habitat for Humanity

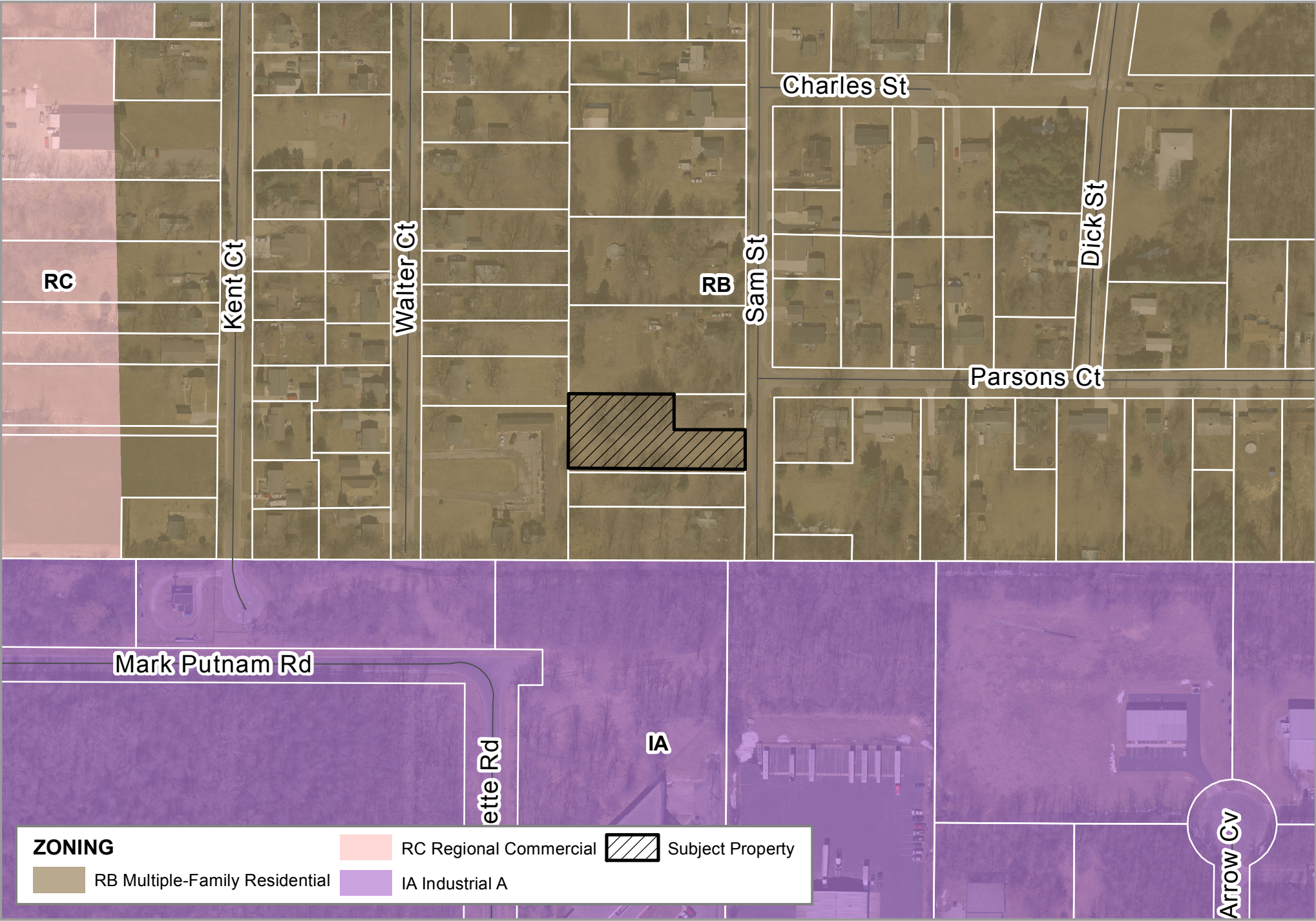
> 3 **49** Sam Street



CUP #68 | Midland County Habitat for Humanity



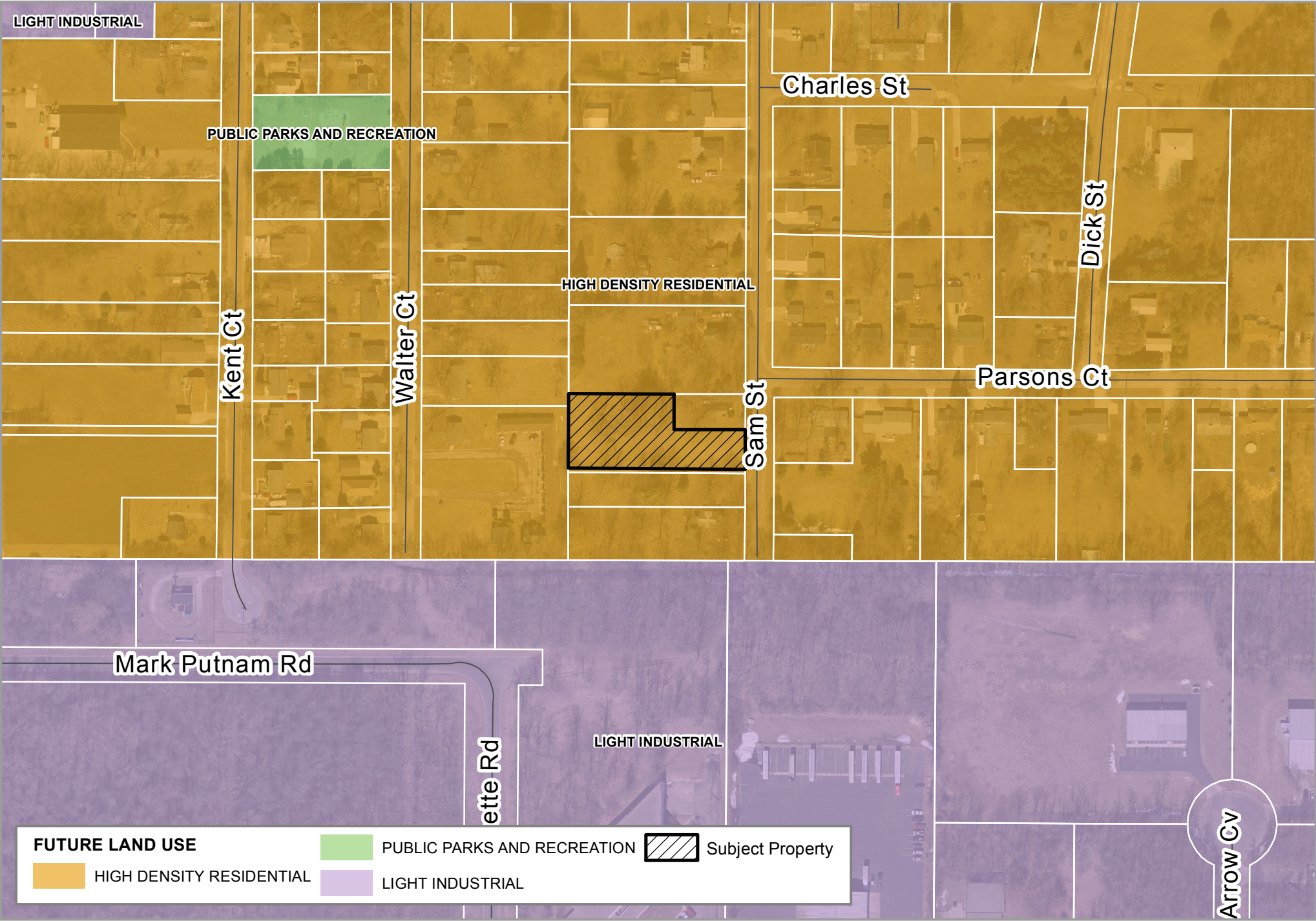
> 3 **50** Sam Street

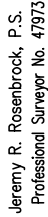


CUP #68 | Midland County Habitat for Humanity



> 3 **51** Sam Street





TOPOGRAPHIC SURVEY

989-495-9227

ROSENBERG

LAND SURVEYING, INC.

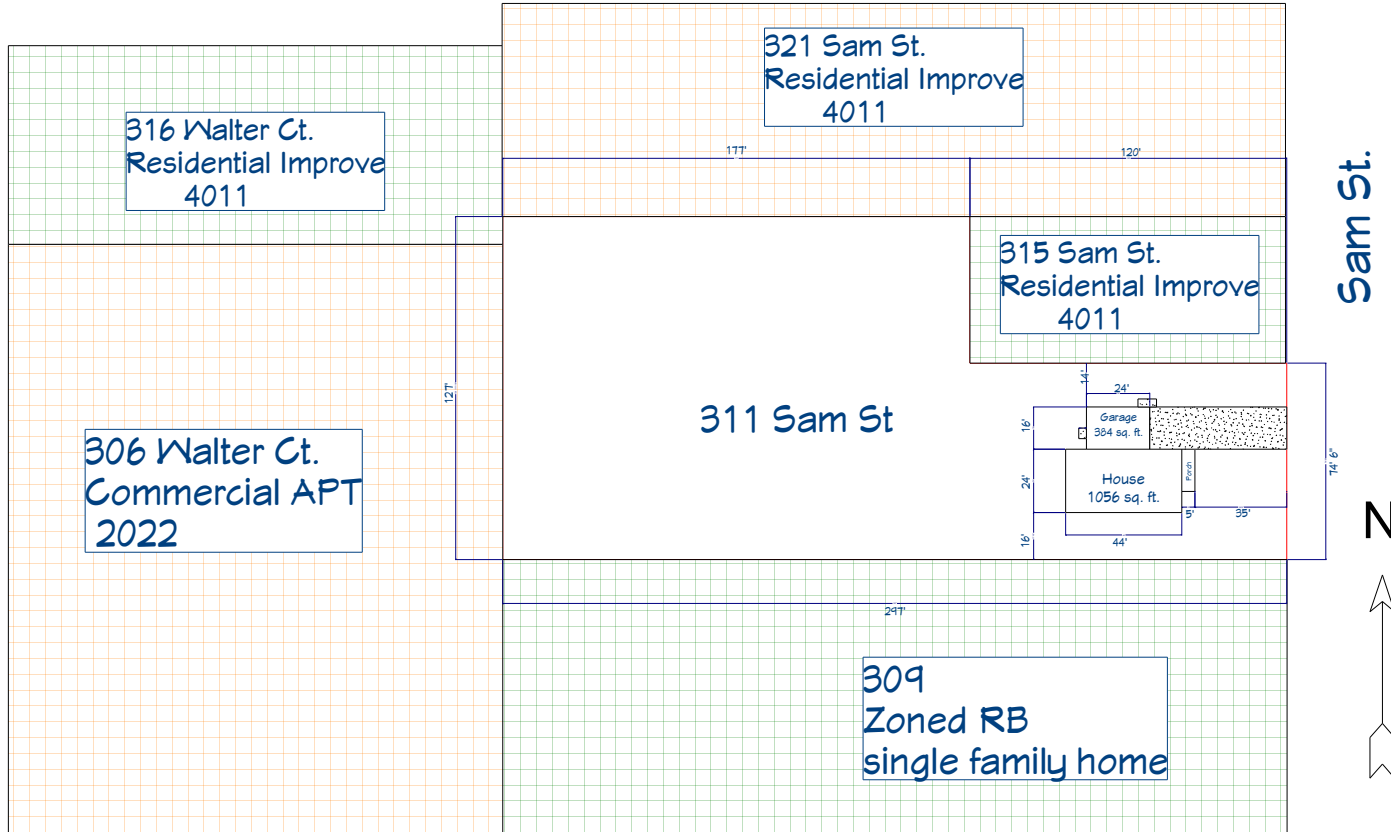
"Finding accurate paths for your future"

1046 W. Midland Road
Auburn, MI 48611

MIDLAND COUNTY
HABITAT FOR HUMANITY
1703 S. SAGINAW ROAD
MIDLAND, MI 48640

SV

Walter Ct.



--

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
3 Bedroom
Plan

PROJECT DESCRIPTION:
Sam St
Site plan

DRAWINGS PROVIDED BY:

DATE:
2/13/2020

SCALE:

SHEET:

A-1

306 Walter Ct.
Commercial APT
2022

316 Walter Ct.
Residential Improve
4011

311 Sam St

321 Sam St.
Residential Improvement
4011

315 Sam St.
Residential Improve
4011

309
Zoned RB
single family home

Sam St.



RAWINGS PROVIDED BY:

DATE:

2/13/2020

SCALE:

SHEET:

A-1

PROJECT DESCRIPTION: 31 Sit

SHEET TITLE:
4 Bedroom
plan

NO.	DESCRIPTION	BY	DATE



PUBLIC HEARING NOTICE
 City of Midland
 CONDITIONAL USE PERMIT NO. 68

L-8971

In accord with Section 28.02 of the Zoning Ordinance of the City of Midland, please take notice that a public hearing will be held by the City Planning Commission on Tuesday, March 10, 2020, which begins at 7:00 p.m. in the **Multipurpose Room located at the Law Enforcement Center at 2727 Rodd Street.** The following request will be considered:

The request of Midland County Habitat of Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street.

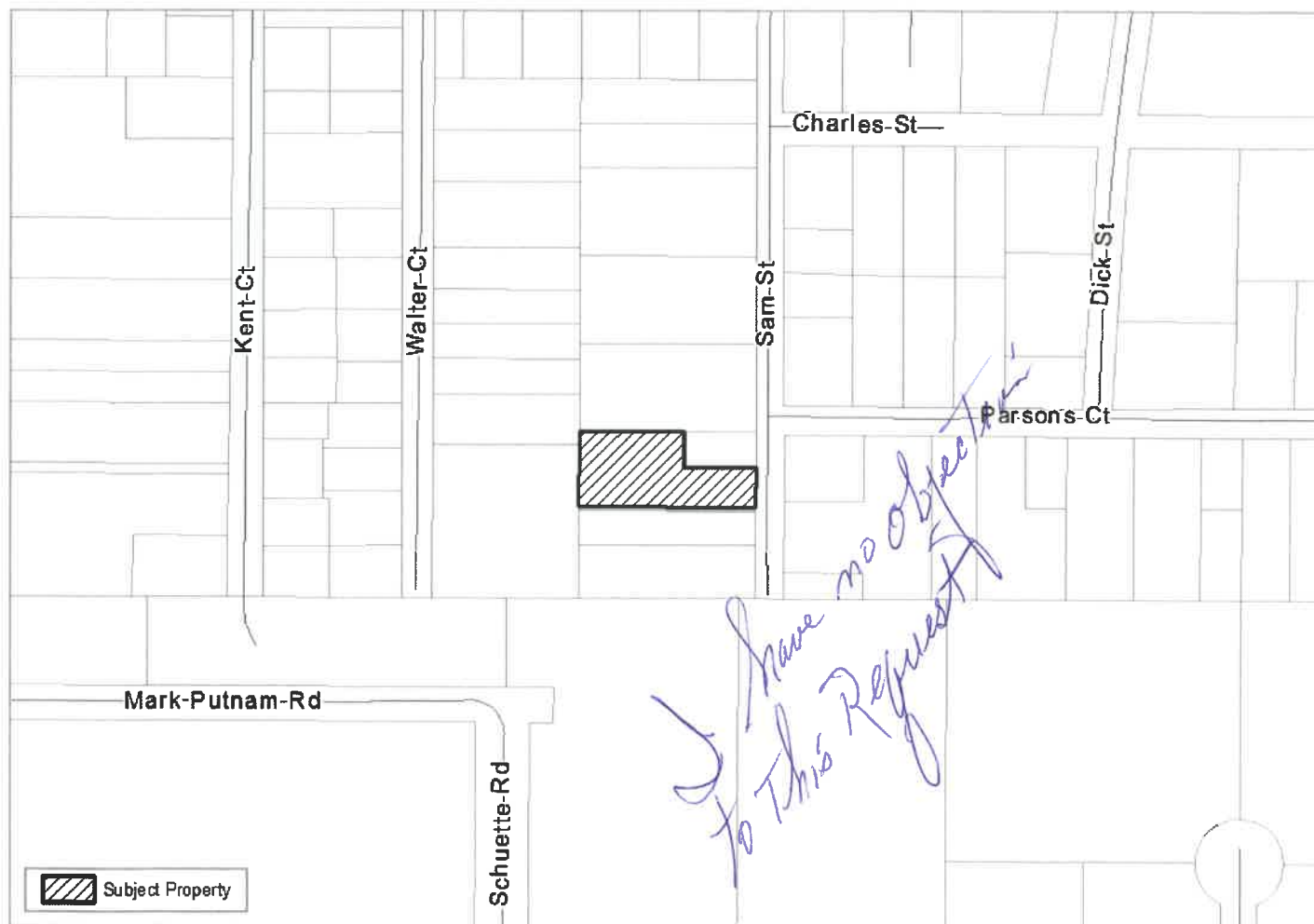
Additional information may be obtained by contacting the City of Midland Planning Department at (989) 837-3374 during the City's regular hours of 8:00 am to 5:00 pm Monday through Friday. Written comments regarding the application may be submitted in writing by May 27, 2019 to *City of Midland Planning Department, 333 West Ellsworth Street, Midland, Michigan 48640.*

Grant R. Murschel
 Director of Planning & Community Development



CUP #68 | Midland County Habitat for Humanity

> 311 Sam Street



Item Attachment Documents:

4. Zoning Petition No. 630 - a public hearing to consider a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential (also see material sent in the April 27 agenda packet). MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of May 18, 2020

SUBJECT: Zoning Petition No. 630 (Rezoning Request)

INITIATED BY: DGR Properties, LLC

RESOLUTION

SUMMARY: Action to amend the City of Midland Zoning Map by rezoning property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential B

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report
4. Planning Commission Minutes
5. Location Map
6. Communication

CITY COUNCIL ACTION:

1. Public hearing is required.
2. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, April 14, 2020, the Planning Commission considered Zoning Petition No. 630, the request of DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential B. The subject property is located to the east of the intersection of Bayliss Street and Arbury Place. It is under common ownership with 1400 Bayliss Street which is immediately adjacent to the west. This is notable as vehicle and pedestrian access to Bayliss Street will be provide to 1420 Bayliss Street via 1400 Bayliss Street.

Under Zoning Petition No. 608, the abutting property at 1400 Bayliss Street was conditionally rezoned to RB Multiple-Family Residential. The single contingency of that approval was the condition that only a single duplex could be built on this property. This was a condition offered by the applicant, DGR Properties, at that time considering the small size of the property (7,700 sq. ft.). The condition does not limit other facets of development including access drives, stormwater management, landscaping, etc.

Zoning Petition No. 630 does not have any conditions offered by the applicant therefore the full extent and possible uses of RB zoning must be considered. 1420 Bayliss Street is a larger property (16,764 sq. ft.) and has the potential for more development. During Planning Commission's deliberation and staff's consideration, the potential for development was discussed as well as the density standards of Article 9.00 of the Zoning Ordinance which will limit the number of potential dwelling units on the site.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Pnacek and second by Heying recommend to City Council the approval of Zoning Petition No. 630 initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential B.

Vote on the motion:

YEAS: Bain, Heying, Mayville, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
NAYS: None
ABSENT: Hanna

The motion was approved 8 to 0.

There was one (1) written public comment in support received ahead of this meeting and no comments were made during the public hearing on this request.

A resolution to approve Zoning Petition No. 630 is enclosed for City Council consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant Murschel".

Grant Murschel
Director of Planning & Community Development

GRM/rmg

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREFTER ERECTED OR ALTERED, TO REGUL AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A RB MULTIPLE FAMILY RESIDENTIAL B ZONING DISTRICT, WHERE AN RC REGIONAL COMMERCIAL DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

A PARCEL OF LAND SITUATED IN THE CITY OF MIDLAND, MORE PARTICULARLY DESCRIBED BEG 132 FT E & 533 FT N OF W 1/8 POST ON S LN SEC 15, TH E 132 FT, N 127 FT, W 132 FT, S 127 FT TO BEG

Be, and the same is hereby changed to RB Multiple Family Residential

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 18, 2020

Erica Armstrong, City Clerk



**STAFF REPORT TO THE PLANNING COMMISSION
APRIL 9, 2020**

Subject:	Zoning Petition #630 (Rezoning Request)
Applicant:	DGR Properties, LLC
Location:	1420 Bayliss Street
Area:	0.38 acres
Existing zoning:	RC Regional Commercial
Proposed zoning:	RB Multiple Family Residential B
Adjacent Zoning:	North: OS Office Service South: RC Regional Commercial East: RC Regional Commercial West: RB Multiple Family Residential (conditional); RC Regional Commercial
Adjacent Development:	North: Wooded land, radio station office and tower South: Single-family residential homes East: Vacant, wooded, commercial strip center West: Vacant, wooded land

REPORT

Zoning Petition No. 630, initiated by DGB Properties, LLC proposes to rezone the property known as 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential B. There are no conditions offered by the applicant; therefore, the full content and permitted uses within the RB Multiple Family Residential B zoning district must be considered.

Aerial location maps, current zoning, and Future Land Use designation maps are enclosed.

BACKGROUND

This parcel is currently zoned RC Regional Commercial, along with the property to the immediate east and south of the subject site. The site has been zoned RC since 2005, prior to that the site was zoned BB-2, a district that is no longer used but largely similar to RC. Prior to that in 1963, the site was rezoned from Residential B to Conditional; Conditional was a City zoning district that permitted commercial development.

Prior to 1963, while the site and the surrounding lands were zoned for residential purposes (Residential B), the single-family homes that exist to the south of the subject site were built. All of these homes were constructed in the late 1930's to early 1940's. Much of the commercial development that lies to the southeast of the site, including what is currently known as the Midland Towne Center, was developed in the late 1980's and early 1990's, according to City Assessing records.

In 2017, the property immediately to the west (1400 Bayliss Street via Zoning Petition No. 608) was conditionally rezoned to RB Multiple Family Residential B. The condition offered by the applicant and approved by City Council was to limit any future development to only a single duplex.

The proposed RB Multiple Family Residential zoning district is intended to address the varied housing needs of residents by providing areas for attached housing at a higher density than is permitted in any of the single-family residential districts. It is further intended that multiple-family housing 1) be designed with essential services, such as public water and sewer, and outdoor recreation space and recreation facilities; 2) have access to roads that can adequately handle the traffic generated by such uses; and 3) be designed to be compatible with surrounding uses, especially when a Multiple Family Residential District serves as a transitional use between single family residential development and more intensive development.

ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

1. Is the proposed amendment consistent with the City's Master Plan?

The Future Land Use map of the City's Master Plan identifies the subject area as Commercial. Lands to the south and east are also designated as Commercial. According to the City Master Plan, Commercial areas are intended to have a variety of uses, determined by the size and geographic location of the planned areas (e.g. large commercial centers versus small neighborhood commercial nodes). Consistent with this description, and given the scale of the surrounding commercial development, this particular area of the city has been planned for larger scale commercial centers.

The area surrounding the subject site contains a mix of different designations. To the north of the site, the future land use designation is Office-Service. To the west of the site, the lands are planned for High Density Residential purposes. To the northwest of the site, the area is planned for Institutional and Civic. The surrounding designations place this site within a transition area where land is planned for four different uses: residential, institutional and civic, office-service, and commercial.

2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?

"Section 1.02 B Intent : It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards."

In staff's opinion, the proposed rezoning would promote the basic intent of the zoning code through reclassification of the parcel as stated (outlined above) in the City's Zoning Ordinance, especially as it relates to providing for a variety of residential housing types.

3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?

Limited activity has taken place since the current commercial zoning district was established on this site in 1963. The development of the Midland Towne Center to the east was designed with the rear business accesses facing towards the site as well as the stormwater management basins being located behind the center. This design effectively limits the ability for the subject site, and the existing residences to the south, to be developed into business or commercial space without large-scale redevelopment.

The proposed amendment, along with the previously approved amendment in 2017 (ZP No. 608), will facilitate development of the site that is consistent with the general pattern of development along this portion of Bayliss Street.

4. Will the amendment merely grant special privileges?

No, the immediate area, to the south and northwest, has been used for residential purposes since the mid-1930's. The amendment will extend an existing RB Multiple Family Residential district that was initially brought to the east side of Bayliss Street back in 2017.

5. Will the amendment result in unlawful exclusionary zoning?

No. The zoning amendment will continue a pattern of zoning that is consistent with the general pattern of development in the area and in a manner that would not be considered exclusionary. The specific zoning request has been fashioned as an extension of the RB zoning to the west.

6. Will the amendment set an inappropriate precedent?

Perhaps. The proposed amendment will allow for development that is consistent with the general pattern of existing residential development along this portion of Bayliss Street. The amendment will extend an existing RB Multiple Family Residential district but it will also introduce residential zoning into an area where such zoning does not exist and where it has not been envisioned within the City Master Plan.

7. Is the proposed zoning consistent with the zoning classification of surrounding land?

Partially. Surrounding lands exhibit a pattern of mixed use and mixed zoning. The proposed zoning will permit residential development, which is considered an appropriate use given surrounding one family, multiple family, office service and commercial zoning. It is not, however, consistent with the RC zoning that applies to the south and east on adjacent properties.

8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?

Partially. The current Master Plan, adopted in 2007 and most recently updated in 2018, and the previous Master Plan, adopted in 1997, established the subject site and the immediate lands surrounding as a transitional area between residential, office-service, commercial, and recreational uses. While the subject site is designated as Commercial, consideration must be given to the character of this transitional area. It would be plausible to consider the proposed zoning as a reasonable extension of the High Density Residential designation and the RB Multiple Family Residential zoning district that is established across Bayliss Street.

9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?

Yes, the subject parcel could meet all requirements of the RB Multiple Family Residential zoning district.

10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

Inconclusive. The proposed zoning classification of RB will be consistent with some of the existing residential land uses in the area. Aside from commercial development in the 1980's and 1990's, however, the area has remained stable and no development has taken place. No development trends are therefore apparent. Commercial and office service development is expected to continue to the north and southeast but can be planned in such a way to be consistent with high or medium density residential uses within the subject site and along Bayliss Street to the south. Likely use and redevelopment of the lands to the south is not clear despite the Commercial land use designation applied to these properties.

ADDITIONAL STAFF COMMENTS

One (1) written public comments has been received indicating no objection at the time this report was drafted.

STAFF RECOMMENDATION

Per the staff comments above, this application does not satisfy every one of the criteria that are to be considered during a zoning petition. That said, a positive response to every criteria is not necessary. With that in mind, and considering the totality of both the criteria and the circumstances, staff recommends approval of the rezoning petition for the following reasons:

- RB Multiple Family Residential zoning district is a reasonable extension of the zoning district that is immediately adjacent to the west of the subject site.
- The Future Land Use Map of the Master Plan establishes this area as a transitional zone between residential, office-service, commercial and recreational land uses.

- The proposed zoning district is considered appropriate given anticipated future development patterns in the area.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on April 14, 2020 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on April 27, 2020 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for May 18, 2020 at which time a decision will be made on the proposed zoning change. Please note that these dates are preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



Grant Murschel
Director of Planning & Community Development

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, APRIL 14, 2020 7:00 P.M.
MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC**

1. The meeting was called to order at 7:00 p.m. by Chairman Mayville.
2. The Pledge of Allegiance was not recited by the members of the Commission due to the electronic format.
3. Roll Call

PRESENT: Bain, Mayville, Heying, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

ABSENT: Hanna

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and eleven (11) others.

4. Approval of Minutes

Heying made a motion to approve the minutes of the regular meeting of March 10, 2020, seconded by Rodgers. Vote on the motion:

Yeas: Bain, Heying, Mayville, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

Nays: None

Motion carries 8-0.

5. Public Hearings

- a. Zoning Petition No. 630 - a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential

Murschel gave the staff presentation for Zoning Petition No. 630.

Bain questioned the access to the property, Murschel stated that would be something that would be fleshed out during the future site plan review processes but that many options for access exist.

Mayville asked for clarification of the types of uses that this zoning change would allow. Murchel gave an overview of the types of uses stated in the City Zoning Ordinance.

Petitioner : Dave Rapanos, 2323 E Wheeler Street Midland, MI

Mr. Rapanos gave an overview of his ideas for the use of the property, access to the site is proposed to be off of Bayliss Street via the commonly owned property that abuts to the west of the subject parcel.

No comments in support or opposition.

Mayville closed the public hearing.

Pnacek made a motion to waive the rules of procedure and render a decision this evening, seconded by Heying. Vote on the motion:

Yeas: Bain, Heying, Mayville, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

Nays: None

Motion carries 8-0.

Rodgers made a motion to recommend approval of Zoning Petition No. 630 as proposed. The motion was seconded by Sajbel.

Yeas: Bain, Heying, Mayville, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

Nays: None

Motion carries 8-0.

- b. Site Plan No 398. - initiated by initiated by Fashion Square Investments, LLC to construct a 9,000 square foot medical office and surgery center to be known as Greater Michigan Oral Surgeons and Dental Implant Center for property located at 5220 Eastman Avenue

Murschel gave the staff presentation for Site Plan No. 398

Petitioner Lisa Easterwood with Fleis & VandenBrink Engineering: Ms. Easterwood answered some questions posed about the layout of the proposed building. She also answered inquiries about the placement of fire hydrants and water service and storm water management on the site. She spoke about the relationship with neighboring PNC bank and the possible future connectivity of a shared access driveway. She agreed to the need for the pedestrian connection and a bike rack.

Comments in support – Patrick Pnacek, 2525 N. Eastman Avenue.

Mr. Pnacek indicated his support of this site plan and thinks it will be a great addition to the area.

Comments in opposition – none

Mayville closed the public hearing.

Bain made a motion to waive the rules of procedure and render a decision this evening, seconded by Rodgers. Vote on the motion:

Yeas: Bain, Heying, Mayville, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

Nays: None

Motion carries 8-0.

Bain spoke about the added contingency item relating to a solid masonry wall or an approved alternative along with an amended consent agreement along the eastern property line to the satisfaction of the City of Midland Planning Department.

Bain made a motion to recommend approval of Site Plan No. 398 with the amended contingencies as follows:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
3. A pedestrian connection from the public sidewalk into the interior of the site to the satisfaction of the City Planning Department.
4. A solid masonry wall along the eastern property line or to the specification of an amended Consent Agreement to the satisfaction of the City Planning Department.
5. Shared access easement agreement for future connection with the property to the immediate south to the satisfaction of the City Planning Department.

The motion was seconded by Rodgers.

Yeas: Bain, Heying, Mayville, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

Nays: None

Motion carries 8-0.

- c. Site Plan No. 399 - initiated by PKP Properties, LLC to construct a 22 unit multiple-family residential development, totally 50,688 square feet. The property is located at 4908 and 4912 Universal Drive.

Commissioner Pnacek declared a conflict of interest and asked for him to be removed from the participants in the meeting. The virtual host of the meeting removed Commissioner Pnacek from the list of participants.

Murschel gave the staff presentation for Site Plan No. 399

Heying asked about the state of the current parcels. Murschel explained that previous site plans have been approved for these properties but the projects have been stopped by the developers for a variety of reasons.

Petitioners Scott Bell with Lapham Associates and Patrick Pnacek with PKP Properties LLC
Mr Bell addressed some of the contingency items stated in the staff report and some of the concerns identified by the Commission.

Comments in support – none.

Comments in opposition – Bob Keppin 5010 Stephanie Drive Midland MI and Cheryl King 5005 Stephanie Drive Midland MI.

Both Mr. Keppin and Ms. King are board members of the abutting Raintree Condominium Association. They brought concerns that have been conveyed to them from other condo owners. These items included noise pollution that comes with rental properties as well as water retention concerns for the property and the neighboring properties. Privacy and traffic concerns were also noted, as well as a request from the condo association for an eight (8) foot fence or landscaping barrier to alleviate these concerns.

Petitioner rebuttal:

Scott Bell answered some questions about the storm sewer as well as the vegetation that is currently on the property. Patrick Pnacek spoke about other properties near the proposed site that are also rental properties owned by and run by himself. He spoke to the quality of the management and that there are no complaints or concerns surrounding those properties.

Mr Murschel spoke to the requirements that were being asked of petitioners. The site plan documents tree retention therefore the applicant is committing themselves to do this. A fence is not a requirement of this site plan and could have installation and ongoing maintenance challenges given the location within vegetation.

Mayville closed the public hearing.

Heying made a motion to waive the rules of procedure and render a decision this evening, seconded by Sajbel. Vote on the motion:

Yeas: Bain, Heying, Mayville, Koehlinger, Sajbel, Broderick, and Rodgers

Nays: None

Motion carries 7-0.

Rodgers made a motion to recommend approval of Site Plan No. 399 with the following contingencies:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
3. A revised photometric plan to the satisfaction of the City Planning Department.
4. A revised landscaping plan to the satisfaction of the City Planning Department.

The motion was seconded by Heying

Yeas: Bain, Heying, Mayville, Koehlinger, Sajbel, Broderick, and Rodgers

Nays: None

Motion carries 7-0.

6. **Old Business** – None.

7. **Public Comments** (unrelated to items on the agenda) – None.

8. **New Business** – None.

9. **Communications** – None.

10. **Report of the Chairperson** – Mayville commented that he was happy about the format of the meeting and thinks it worked well.

11. **Report of the Planning Director** - Zoning Petition No. 629 was approved by City Council on April 13, 2020.

12. **Items for Next Agenda – April 28, 2020**

a. **Site Plan Review Process Further Details**

13. **Adjournment**

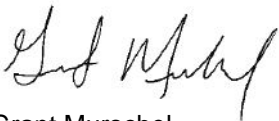
It was moved by Pnacek and seconded by Heying to adjourn at 9:03 p.m. Vote on the motion:

Yeas: Bain, Heying, Mayville, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

Nays: None

Motion carries 8-0.

Respectfully submitted,

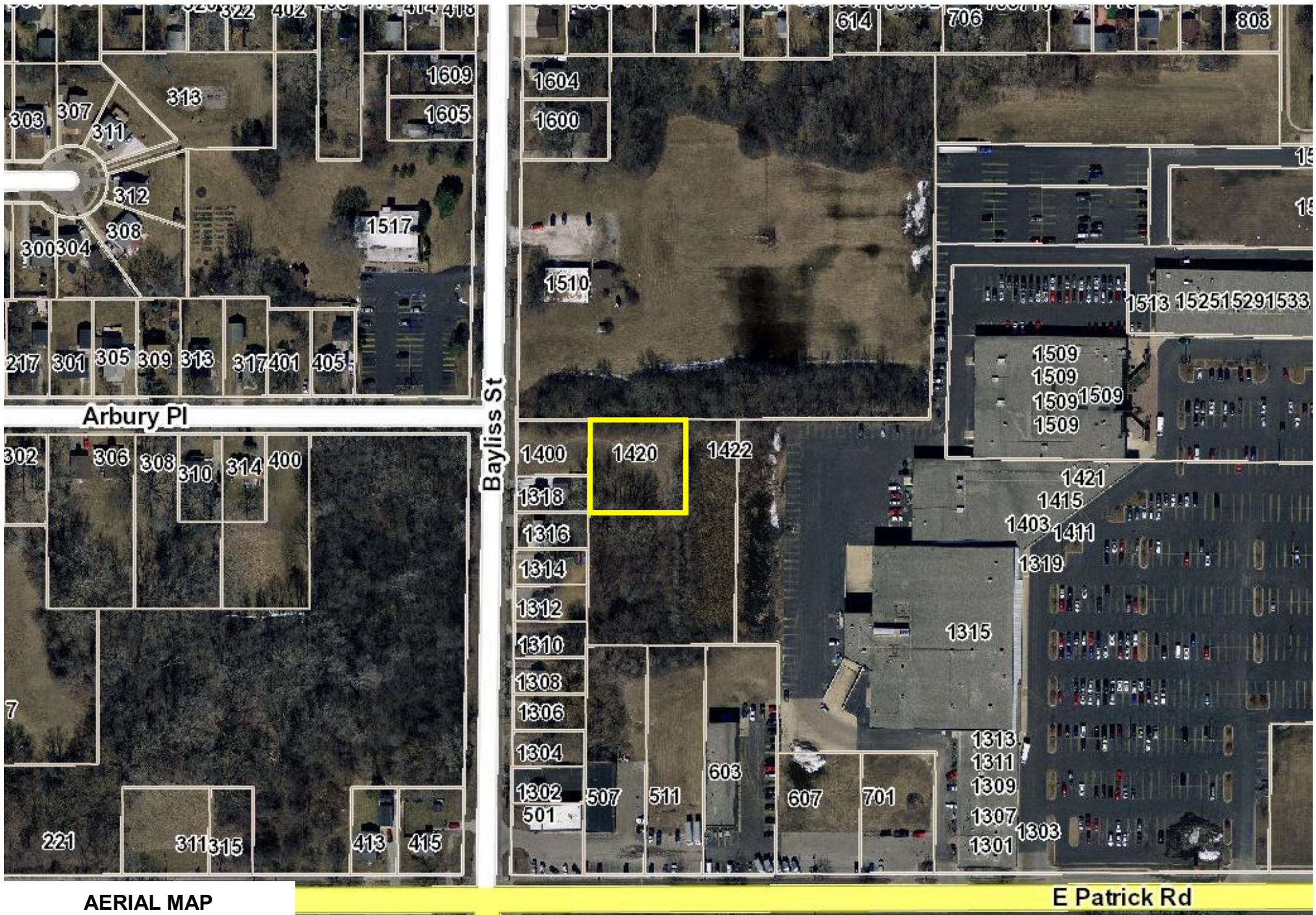


Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

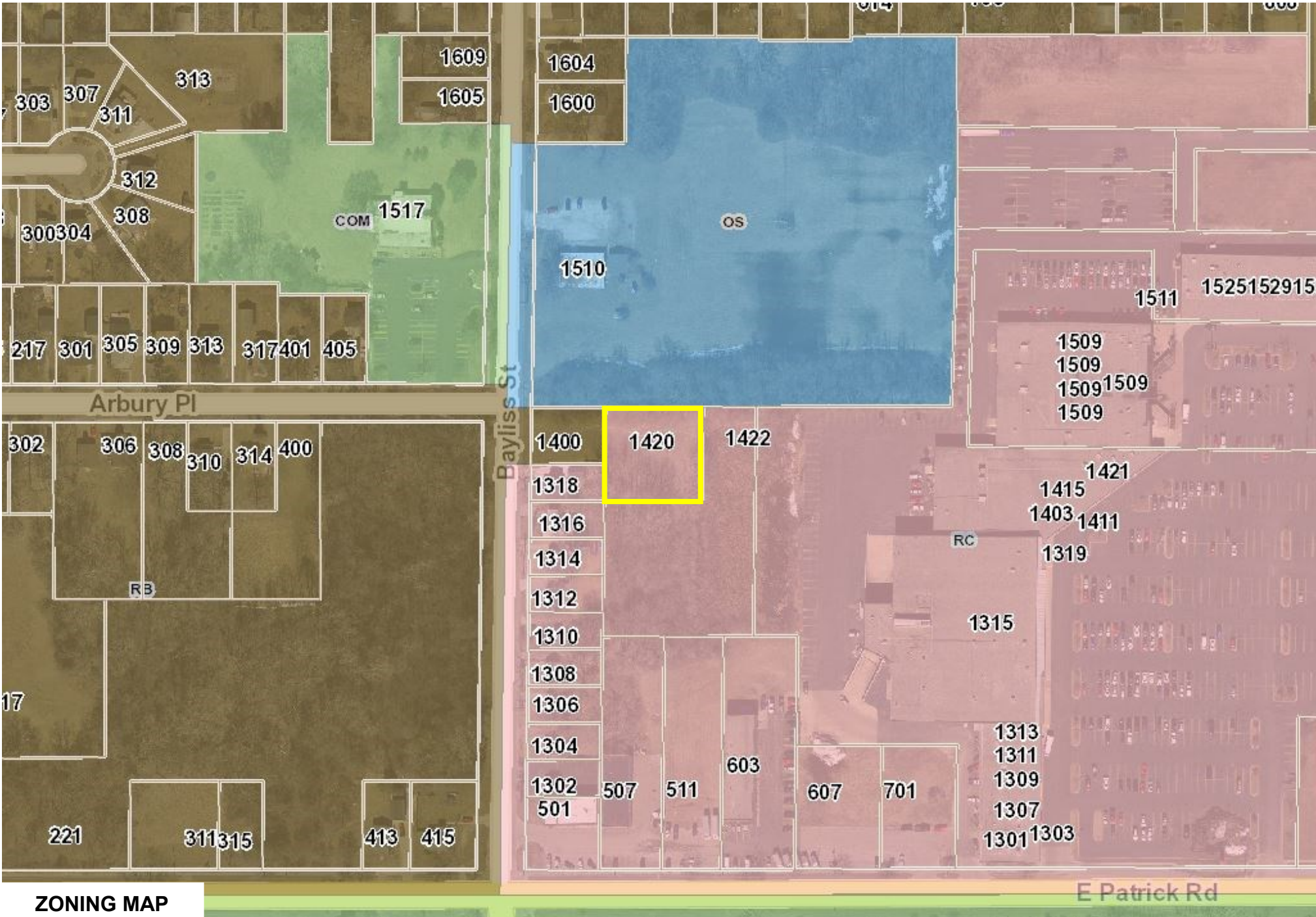
ZP #630 | 1420 Bayliss Street

> 69 Regional Commercial to RB Multiple Family Residential



ZP #630 | 1420 Bayliss Street

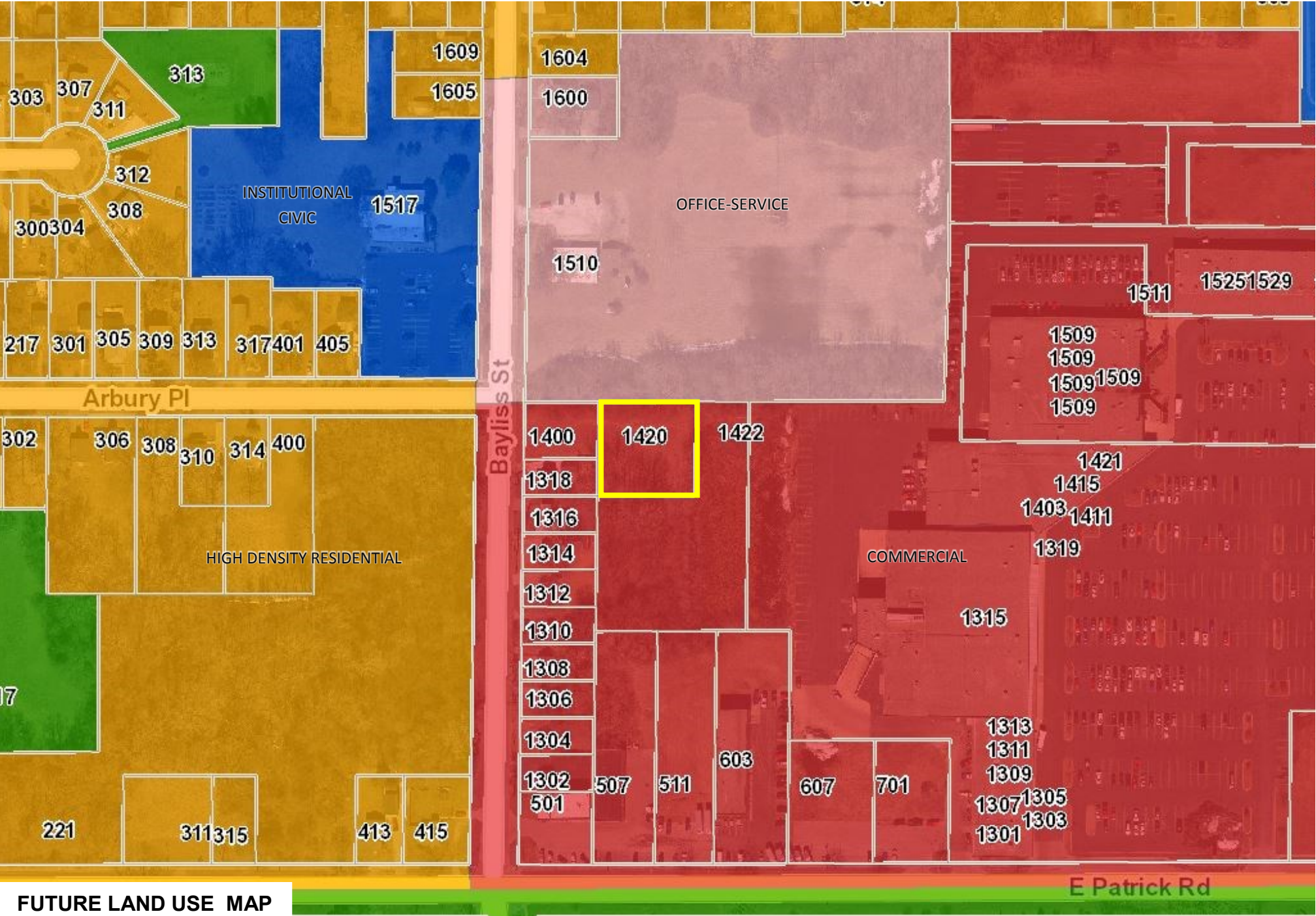
> 70 Regional Commercial to RB Multiple Family Residential



ZONING MAP

ZP #630 | 1420 Bayliss Street

> 71 Regional Commercial to RB Multiple Family Residential



FUTURE LAND USE MAP

PUBLIC HEARING NOTICE
City of Midland
Proposed Conditional Rezoning

Please take notice that the Midland City Planning Commission will conduct a public hearing on Zoning Petition No. 630, a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential B.

Said hearing will take place on Tuesday, March 24, 2020 at 7:00 p.m., in Council Chambers, City Hall, Midland, Michigan, as required by Article 30, Section 30.03(A) of Ordinance No. 1585.

If you have any questions, contact the City Planning Department at (989) 837-3374.

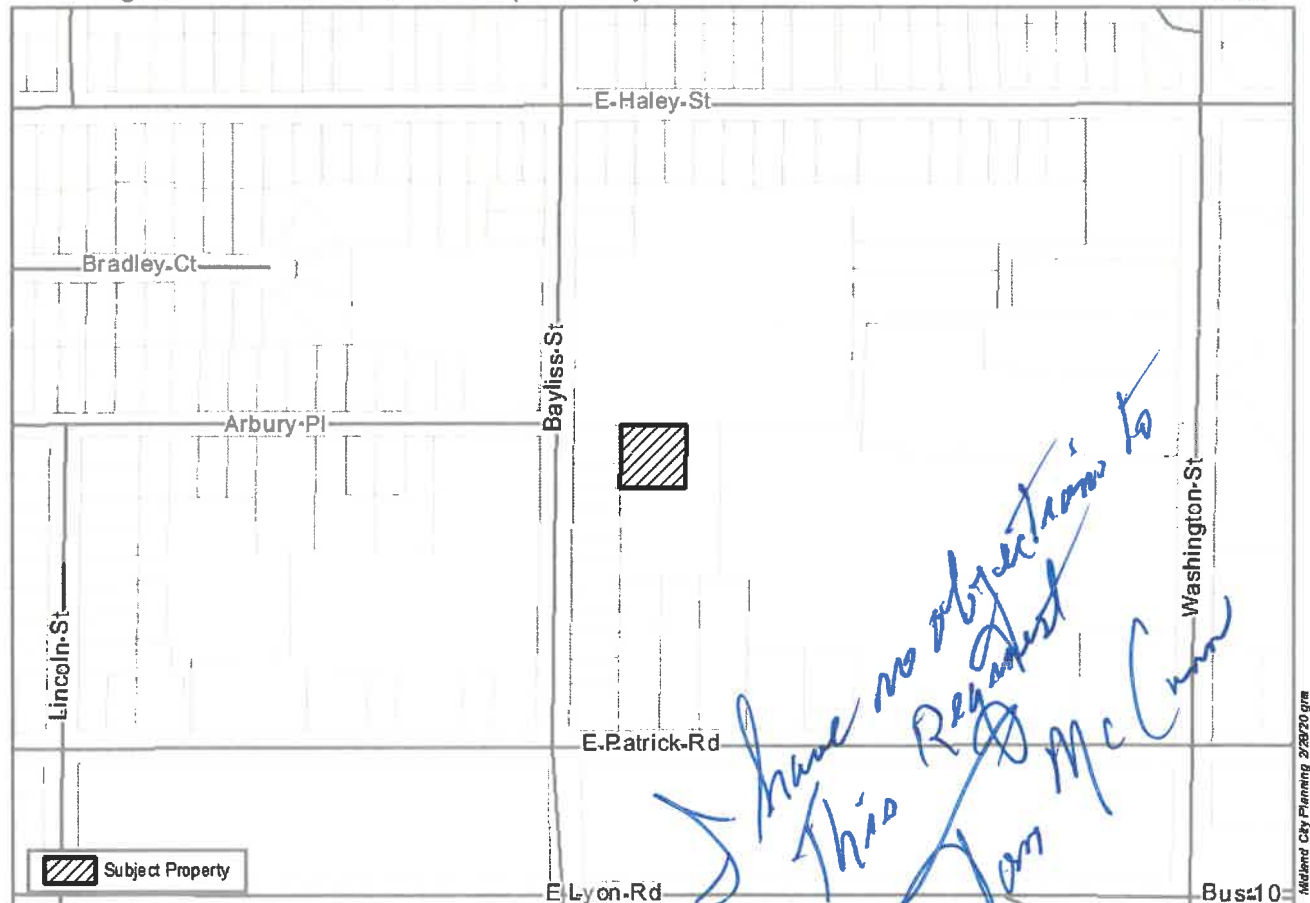
MIDLAND CITY PLANNING COMMISSION



Grant Murschel
 Director of Planning & Community Development

ZP #630 | 1420 Bayliss Street

> RC Regional Commercial to RB Multiple Family Residential



Item Attachment Documents:

5. Adoption of the 2020-21 City budgets and working plans. KEENAN

SUMMARY REPORT
For City Council Meeting of May 18, 2020

SUBJECT: Adopting the City Manager's Proposed 2020 - 2021 Budget

INITIATED BY: David A. Keenan, Assistant City Manager

RESOLUTION SUMMARY:

This resolution adopts the annual budgets of the various City funds for the fiscal year beginning July 1, 2020 and ending June 30, 2021, authorizes the City Assessor to levy 12.1012 mills of property taxes for general operations, .4602 mills for storm water operations, 1.0000 mill for library operations, 1.4425 mills for public safety pension, and .1346 mills for general obligation sanitary sewer debt, for a total of 15.1385 mills, authorizes the levy of an additional 2 mills of property taxes on property in the 2006 Amended Downtown Development District, authorizes the imposition of a tax administration fee of one percent on all applicable taxes levied on both the winter and summer tax billings, authorizes imposition of an additional four percent fee for taxes paid after the tax payment due dates, designates that the General Fund's fund balance for the fiscal year ending June 30, 2020 shall include \$4,306,125 as Committed Fund Balance for Future Year Expenditures, \$5,776,443 as a Committed Fund Balance for Budget Stabilization, and an amount to be determined as Assigned Fund Balance for Encumbrances, authorizes the Assistant City Manager to encumber into the 2020 - 2021 budgets of the various City funds, items that comply with designated criteria identified in the resolution, and finally directs the Assistant City Manager to provide an explanation of amounts encumbered to City Council in the quarterly financial report for the period ending September 30, 2020.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 affirmative vote required to approve resolution



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Section 11.5 of the City Charter requires that, not later than the fourth Monday in May, Council shall adopt the budget for the next fiscal year and provide for a levy of the amount necessary to be raised by taxes for municipal purposes. Council will be presented with a resolution to adopt the 2020-2021 fiscal year budget at their regular meeting on Monday, May 18, 2020.

Attached is a proposed Council resolution, which would accomplish the following:

- Adopt budgets for the various City funds for the fiscal year beginning July 1, 2020 and ending June 30, 2021.
- Authorize the levy of a total of 15.1385 mills of property taxes comprised of the following:
 - 12.1012 mills for general operations;
 - 0.4602 of a mill for storm water operations;
 - 1.0000 mill for library operations;
 - 1.4425 mills for public safety pension; and
 - 0.1346 of a mill for general obligation sanitary sewer debt.
- Authorize the levy of an additional 2 mills on property in the 2006 Amended Downtown Development District.
- Authorize a one percent (1%) tax administration fee on all applicable taxes levied on both the summer and winter property tax bills, to offset costs incurred in assessing property values, collecting property tax levies, and processing taxes under review and appeal.
- Authorize a four percent (4%) fee on taxes paid after the tax payment due dates.

May 13, 2020

Page 2

- Comply with Governmental Accounting Standard 54 by designating that the General Fund's fund balance for the fiscal year ending June 30, 2020 shall include:
 - \$4,306,125 as Committed Fund Balance for Future Year Expenditures. This is the carryover amount that is used to balance the 2020-2021 budget.
 - \$5,776,443 as a Committed Fund Balance for Budget Stabilization.
 - An amount to be determined by the Assistant City Manager as Assigned Fund Balance for Encumbrances. This amount will be determined several weeks after fiscal yearend.

Council action is required prior to yearend on the above items. Rather than come to Council separately later to request approval, and because each is budgetary in nature, they are presented as part of the final steps of approving the budget for the 2020-2021 fiscal year.

- Authorize the Assistant City Manager to encumber into the 2020-2021 budgets of the various City funds items requested by staff provided that: 1) there is sufficient remaining budget in 2019-2020, 2) each item has previous City Council budgetary approval to be spent for the purpose for which it is being requested to be encumbered, 3) the intent to spend the funds for the purpose in which it was originally approved still exists, and 4) periodic costs, such as supplies and other charges which get budgeted for each year are deemed to be non-recurring or necessary to offset unexpected adverse conditions in the upcoming year.
- Direct the Assistant City Manager to provide an explanation of amounts encumbered, by fund, to City Council in the quarterly financial report for the period ending September 30, 2020.

Sincerely,

David A. Keenan
Assistant City Manager



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, a public hearing on the 2020-2021 budget was held on Monday, May 11, 2020, at 7:00 p.m., in accord with Section 11.4 of the Charter of the City of Midland and State of Michigan Act 5, Public Acts of 1982, as amended; and

WHEREAS, MCL 211.44 permits local governments which administer property taxes to impose a Property Tax Administration Fee not to exceed one percent (1%) on taxes payable before February 15th of the succeeding year; and

WHEREAS, Section 12.17 of the Charter of the City of Midland requires the City Treasurer to add a four percent (4%) collection fee to all taxes paid after the 15th day of September; and

WHEREAS, MCL 211.44 permits local property tax collecting units to add to taxes collected after February 15 and before March 1, four percent (4%) for late charges and additional fees; and

WHEREAS, pursuant to MCL 211.44, as amended, the governing body must approve by resolution or ordinance an authorization for the imposition of a property tax administration fee, collection fee or any type of late penalty charge; and

WHEREAS, it is the desire of the governing body of the City of Midland to authorize the imposition of a one percent (1%) tax administration fee and a four percent (4%) late penalty collection fee to all applicable taxes levied by all taxing units and payable to the City of Midland; and

WHEREAS, the taxable value of real and personal property in the City of Midland has been determined to be \$2,121,434,585 plus \$48,190,400 of value on the Industrial Facilities Tax Roll; now therefore

RESOLVED, that the budget of the City of Midland for the fiscal year beginning July 1, 2020 and ending June 30, 2021 is hereby determined and adopted as follows:

GENERAL FUND

Sources of Funds:

Property taxes	\$ 29,166,623
Intergovernmental	9,853,434
Other revenues	5,411,293
Transfers from other funds	76,903
Fund balance	4,306,125
<i>Total Sources of Funds</i>	<u>\$ 48,814,378</u>

Adopted

GENERAL FUND (cont'd)*Appropriations:*

General government	\$ 6,321,367
Public safety	20,699,726
Public works	2,593,705
Sanitation	4,099,021
Parks and recreation	6,754,183
Other functions	1,968,358
Capital projects	191,000
Contingencies	400,000
Transfers to other funds	5,787,018
Total Appropriations	\$ 48,814,378

MAJOR STREET FUND*Sources of Funds:*

State gas and weight tax	\$ 4,900,000
County Road Millage	3,866,116
Other revenues	745,621
Total Sources of Funds	\$ 9,511,737

Appropriations:

Street maintenance	\$ 2,230,711
Street construction	1,865,000
Transfers to other funds	3,350,283
Contingencies	20,000
Fund balance	2,045,743
Total Appropriations	\$ 9,511,737

LOCAL STREET FUND*Sources of Funds:*

State gas and weight tax	\$ 1,326,400
Other revenues	192,000
Transfers from other funds	3,200,000
Fund balance	1,064,186
Total Sources of Funds	\$ 5,782,586

Appropriations:

Street maintenance	\$ 1,818,696
Street construction	3,795,000
Transfers to other funds	148,890
Contingencies	20,000
Total Appropriations	\$ 5,782,586

SMARTZONE FUND*Sources of Funds:*

Property taxes	\$ 138,215
Other revenues	15,000
Total Sources of Funds	\$ 153,215

Appropriations:

Operating expenditures	\$ 75,000
Capital expenditures	5,000
Fund balance	73,215
Total Appropriations	\$ 153,215

CENTER CITY AUTHORITY FUND*Sources of Funds:*

Other revenues	\$ 1,700
Transfers from other funds	14,000
<i>Total Sources of Funds</i>	<u>\$ 15,700</u>

Appropriations:

Operating expenditures	\$ 15,000
Fund balance	700
<i>Total Appropriations</i>	<u>\$ 15,700</u>

STORM WATER MANAGEMENT FUND*Sources of Funds:*

Operating revenues	\$ 17,500
Other revenues	17,500
Transfers from other funds	1,319,173
Fund balance	76,142
<i>Total Sources of Funds</i>	<u>\$ 1,430,315</u>

Appropriations:

Operating expenditures	\$ 895,315
Storm sewer construction	510,000
Contingencies	25,000
<i>Total Appropriations</i>	<u>\$ 1,430,315</u>

GRACE A. DOW LIBRARY FUND*Sources of Funds:*

Property taxes	\$ 2,090,536
Operating revenues	416,089
State funds	381,146
Other revenues	70,600
Transfers from other funds	1,341,490
Fund balance	191,000
<i>Total Sources of Funds</i>	<u>\$ 4,490,861</u>

Appropriations:

Operating expenditures	\$ 4,299,861
Capital expenditures	191,000
<i>Total Appropriations</i>	<u>\$ 4,490,861</u>

COMMUNITY DEVELOPMENT BLOCK GRANT FUND*Sources of Funds:*

Federal and program	\$ 347,091
<i>Total Sources of Funds</i>	<u>\$ 347,091</u>

Appropriations:

Other expenditures	\$ 153,400
Transfers to other funds	188,055
Contingencies	5,000
Fund balance	636
<i>Total Appropriations</i>	<u>\$ 347,091</u>

HOMELAND SECURITY GRANT PROGRAM*Sources of Funds:*

Federal	\$ 873,812
<i>Total Sources of Funds</i>	<u>\$ 873,812</u>

Appropriations:

Other expenditures	\$ 873,812
<i>Total Appropriations</i>	<u>\$ 873,812</u>

SPECIAL ACTIVITIES FUND*Sources of Funds:*

Contributions and other	\$ 83,250
Transfers from other funds	5,000
Fund balance	8,250
<i>Total Sources of Funds</i>	<u>\$ 96,500</u>

Appropriations:

Other expenditures	\$ 77,500
Transfers to other funds	19,000
<i>Total Appropriations</i>	<u>\$ 96,500</u>

MIDLAND HOUSING FUND*Sources of Funds:*

Sale of assets	\$ 250,000
Other revenues	5,200
Fund balance	800
<i>Total Sources of Funds</i>	<u>\$ 256,000</u>

Appropriations:

Cost of assets sold	\$ 250,000
Other expenditures	6,000
<i>Total Appropriations</i>	<u>\$ 256,000</u>

DIAL-A-RIDE FUND*Sources of Funds:*

Operating revenues	\$ 120,000
State funds	855,881
Federal funds	1,055,264
Other revenues	5,744
Transfers from other funds	549,017
<i>Total Sources of Funds</i>	<u>\$ 2,585,906</u>

Appropriations:

Operating expenditures	\$ 2,376,706
Capital expenditures	199,200
Contingencies	10,000
<i>Total Appropriations</i>	<u>\$ 2,585,906</u>

MIDLAND COMMUNITY TELEVISION FUND*Sources of Funds:*

Operating revenues	\$ 681,500
Other revenues	22,916
Fund balance	47,171
Total Sources of Funds	\$ 751,587

Appropriations:

Operating expenditures	\$ 713,587
Capital expenditures	28,000
Contingencies	10,000
Total Appropriations	\$ 751,587

DOWNTOWN DEVELOPMENT AUTHORITY FUND*Sources of Funds:*

Property taxes	\$ 1,224,087
Other revenues	5,900
Transfers from other funds	16,500
Total Sources of Funds	\$ 1,246,487

Appropriations:

Contingencies	\$ 859,426
Transfers to other funds	25,000
Fund balance	45,000
Total Appropriations	\$ 317,061

DEBT SERVICE FUND*Sources of Funds:*

Property taxes	\$ 281,436
Intergovernmental	103,939
Other revenues	6,000
Transfers from other funds	1,747,511
Fund balance	243,471
Total Sources of Funds	\$ 2,382,357

Appropriations:

Debt service	\$ 1,558,450
Transfers to other funds	823,907
Total Appropriations	\$ 2,382,357

CIVIC ARENA FUND*Sources of Funds:*

Operating revenue	\$ 1,094,000
Other revenues	35,000
Transfers from other funds	350,000
Working capital	193,468
Total Sources of Funds	\$ 1,672,468

Appropriations:

Operating expenses	\$ 1,102,298
Capital expenses	201,134
Contingencies	25,000
Debt service	344,036
Total Appropriations	\$ 1,672,468

LANDFILL FUND*Sources of Funds:*

Operating revenue	\$ 3,910,520
Other revenues	149,100
Working capital	4,177,329
Total Sources of Funds	\$ 8,236,949

Appropriations:

Operating expenses	\$ 4,056,836
Capital expenses	405,000
Capital projects	3,326,475
Other expenses	700
Contingencies	65,000
Debt service	382,938
Total Appropriations	\$ 8,236,949

WASHINGTON WOODS FUND*Sources of Funds:*

Operating revenues	\$ 1,400,080
Other revenues	417,190
Transfers from other funds	188,055
Working capital	500,634
Total Sources of Funds	\$ 2,505,959

Appropriations:

Operating expenses	\$ 1,540,055
Other expenses	255,258
Capital expenses	700,646
Contingencies	10,000
Total Appropriations	\$ 2,505,959

RIVERSIDE PLACE FUND*Sources of Funds:*

Operating revenues	\$ 1,460,400
Other revenues	729,803
Working capital	513,539
Total Sources of Funds	\$ 2,703,742

Appropriations:

Operating expenses	\$ 1,638,845
Other expenses	593,302
Capital expenses	461,595
Contingencies	10,000
Total Appropriations	\$ 2,703,742

CURRIE MUNICIPAL GOLF COURSE FUND*Sources of Funds:*

Operating revenues	\$ 1,063,432
Transfers from other funds	250,000
Other revenues	45,207
Total Sources of Funds	\$ 1,358,639

CURRIE MUNICIPAL GOLF COURSE FUND (cont'd)*Appropriations:*

Operating expenses	\$ 1,127,184
Capital expenses	120,000
Contingencies	20,000
Debt service	29,456
Working capital	61,999
<i>Total Appropriations</i>	<u>\$ 1,358,639</u>

PARKING FUND*Sources of Funds:*

Operating revenues	\$ 99,750
Other revenues	15,005
Transfers from other funds	60,000
Working capital	10,050
<i>Total Sources of Funds</i>	<u>\$ 184,805</u>

Appropriations:

Operating expenses	\$ 183,525
Other expenses	1,280
<i>Total Appropriations</i>	<u>\$ 184,805</u>

WASTEWATER FUND*Sources of Funds:*

Operating revenues	\$ 6,685,460
Other revenues	298,684
Transfers from other funds	1,323,907
Working capital	1,021,766
<i>Total Sources of Funds</i>	<u>\$ 9,329,817</u>

Appropriations:

Operating expenses	\$ 5,347,719
Other expenses	17,490
Capital expenses	605,000
Capital projects	1,936,430
Debt service	1,373,178
Contingencies	50,000
<i>Total Appropriations</i>	<u>\$ 9,329,817</u>

WATER FUND*Sources of Funds:*

Operating revenues	\$ 11,784,279
Contractual revenue	88,448
Other revenues	218,150
Working capital	975,845
<i>Total Sources of Funds</i>	<u>\$ 13,066,722</u>

Appropriations:

Operating expenses	\$ 9,702,892
Other expenses	48,853
Capital expenses	258,500
Capital projects	2,770,000
Debt service	186,477
Contingencies	100,000
<i>Total Appropriations</i>	<u>\$ 13,066,722</u>

STORES REVOLVING FUND*Sources of Funds:*

Operating revenues	\$ 751,000
Other revenues	4,325
<i>Total Sources of Funds</i>	<u>\$ 755,325</u>

Appropriations:

Operating expenses	\$ 692,506
Working capital	62,819
<i>Total Appropriations</i>	<u>\$ 755,325</u>

INFORMATION SERVICES FUND*Sources of Funds:*

Operating revenues	\$ 1,020,598
Other revenues	20,500
Working capital	259,906
<i>Total Sources of Funds</i>	<u>\$ 1,301,004</u>

Appropriations:

Operating expenses	\$ 1,236,004
Capital expenses	40,000
Contingencies	25,000
<i>Total Appropriations</i>	<u>\$ 1,301,004</u>

EQUIPMENT REVOLVING FUND*Sources of Funds:*

Operating revenues	\$ 5,854,684
Other revenues	171,000
<i>Total Sources of Funds</i>	<u>\$ 6,025,684</u>

Appropriations:

Operating expenses	\$ 3,392,917
Capital expenses	1,744,000
Contingencies	25,000
Working capital	863,767
<i>Total Appropriations</i>	<u>\$ 6,025,684</u>

MUNICIPAL SERVICE CENTER FUND*Sources of Funds:*

Operating revenues	\$ 432,863
Other revenues	10,564
Working capital	15,026
<i>Total Sources of Funds</i>	<u>\$ 458,453</u>

Appropriations:

Operating expenses	\$ 288,453
Capital expenses	160,000
Contingencies	10,000
<i>Total Appropriations</i>	<u>\$ 458,453</u>

MUNICIPAL SERVICE ANNEX FUND*Sources of Funds:*

Operating revenues	\$ 31,909
Other revenues	1,730
<i>Total Sources of Funds</i>	<u>\$ 33,639</u>

Appropriations:

Operating expenses	\$ 23,674
Contingencies	5,000
Working capital	4,965
<i>Total Appropriations</i>	<u>\$ 33,639</u>

PROPERTY AND LIABILITY INSURANCE FUND*Sources of Funds:*

Operating revenues	\$ 560,000
Other revenues	95,000
Working capital	191,000
<i>Total Sources of Funds</i>	<u>\$ 846,000</u>

Appropriations:

Operating expenses	\$ 846,000
<i>Total Appropriations</i>	<u>\$ 846,000</u>

HEALTH INSURANCE FUND*Sources of Funds:*

Operating revenues	\$ 10,742,000
Other revenues	402,500
Working capital	517,731
<i>Total Sources of Funds</i>	<u>\$ 11,662,231</u>

Appropriations:

Operating expenses	\$ 11,662,231
<i>Total Appropriations</i>	<u>\$ 11,662,231</u>

SPECIAL ASSESSMENT REVOLVING FUND*Sources of Funds:*

Other revenues	\$ 66,903
<i>Total Sources of Funds</i>	<u>\$ 66,903</u>

Appropriations:

Transfers to other funds	\$ 66,903
<i>Total Appropriations</i>	<u>\$ 66,903</u>

; and

RESOLVED FURTHER, that the City Assessor is hereby authorized and instructed to levy 12.1012 mills for operations, 0.4602 mills for storm water operations, 1.0000 mill for library operations, 1.4425 mills for public safety pension, and 0.1346 mills for general obligation sanitary sewer debt, a total of 15.1385 mills, on the taxable value of the various classes of property in the City of Midland on the 2020 City tax roll, in accordance with provisions of Act 114, Public Acts of 1979; and

RESOLVED FURTHER, that in accordance with the recommendation of the Downtown Development Authority, the City Assessor is hereby authorized and instructed to levy an additional 2.0000 mills for operations on the taxable value of the various classes of property on the 2020 City tax roll in the 2006 Amended Downtown Development District; and

RESOLVED FURTHER, that in accordance with MCL 211.44 the City Assessor is hereby authorized and instructed to impose a tax administration fee of one percent (1%) on all applicable taxes levied on both the summer and winter property tax bills in the City of Midland, to offset costs incurred by the City of Midland in assessing property values, collecting property tax levies, and processing taxes under review and appeal; and

RESOLVED FURTHER, that the City Treasurer is hereby authorized and instructed to add to all summer taxes paid after the legal due date of September 15 (or the next business day if that day falls on a holiday or weekend) a four percent (4%) late penalty collection fee on all delinquent parcels within the City of Midland. The City Treasurer is also hereby authorized to add to all winter taxes paid after February 14 (or the next business day if that day falls on a holiday or weekend) a four percent (4%) late penalty collection fee on all delinquent parcels within the City of Midland. Said collection fee, for both summer and winter taxes, is to be calculated on the unpaid base tax plus the one percent (1%) tax administration fee; and

RESOLVED FURTHER, that such added penalty and administrative fees for summer and winter taxes shall belong to the City of Midland and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. The City Treasurer shall apply payments received on delinquent parcels to penalties, interest, and administrative fees before applying payments to delinquent taxes; and

RESOLVED FURTHER, that all City of Midland taxes and administrative fees on summer and winter real property, and penalties on summer real property levied in the immediately preceding year that remain uncollected by the City Treasurer on the first day of March (or the next business day if that day falls on a holiday or weekend) shall be turned over to the County Treasurer as delinquent for collection. These delinquencies and the related settlement distributions from the County shall include all assessments, interest, charges, administrative fees and penalties hereinto provided, and shall be part of the County's delinquent tax roll, collected in the same manner as other taxes returned to the County Treasurer are collected, as provided by law, and shall be and remain a lien upon the property against which they are assessed until paid; and

RESOLVED FURTHER, that for the City's fiscal year ending June 30, 2020, the General Fund's fund balance shall include \$4,306,125 as a Committed Fund Balance for Future Year Expenditures and \$5,776,443 as a Committed Fund Balance for Budget Stabilization; and

RESOLVED FURTHER, that for the City's fiscal year ending June 30, 2020, the City's funds shall include an amount to be determined by the City's Assistant City Manager as Assigned Fund Balance for Encumbrances as authorized by the Assistant City Manager as appropriate to be encumbered into the 2020-2021 budgets and financial working plans, providing that: 1) there is sufficient remaining budget in 2019-2020, 2) each item has previous City Council budgetary approval to be spent for the purpose for which it is being requested to be encumbered, 3) the intent to spend the funds for the purpose in which it was originally approved still exists, and 4) periodic costs, such as supplies and other charges which get budgeted for each year are deemed to be non-recurring or necessary to offset unexpected adverse conditions in the upcoming year; and

RESOLVED FURTHER, that the Assistant City Manager is directed to provide an explanation of amounts encumbered, by fund, to City Council in the quarterly financial report for the period ending September 30, 2020.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 18, 2020.

Erica Armstrong, City Clerk

Item Attachment Documents:

6. Parks and Recreation COVID-19 related service changes. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of May 18, 2020

SUBJECT: Parks and Recreation COVID-19 related service changes

INITIATED BY: Department of Public Services

RESOLUTION SUMMARY: This resolution approves staff recommendations to cancel or modify parks and recreation program and facility offerings for 2020 in response to the impacts of COVID-19.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Karen Murphy
City of Midland Department of Public Services



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May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Out of an abundance of caution and concern for both our employees and our program participants, Recreation Manager Marcie Post and I have been researching options for our summer parks and recreation programs taking into consideration the potential risks of COVID-19 exposure. Concerns with maintaining appropriate social distancing, providing adequate cleaning and sanitation, and complying with future restrictions from the Governor's office on the size allowed for group gatherings have led us to make the following recommendations for City Council consideration for the 2020 recreation season.

Recommended program cancellations and/or delays along with an estimate of the financial impact for each program (if pertinent) are as follows:

1. Closure of Plymouth Pool for the season

- Maintaining social distancing between youth enjoying the pool will be difficult as will protecting our staff should lifesaving measures be needed to rescue a pool patron. Adequate cleaning and sanitation of locker rooms, restrooms and touch surfaces are a concern as well. Minimal maintenance will be needed to keep the pool in good condition, including maintenance of basic chemical levels and circulation of water to protect the pool infrastructure.
- Financial impact of closing the pool will be a loss in revenue estimated at \$111,000 for the season and an estimated reduction in expenses of \$132,000 for a net savings to the City of \$21,000.

2. Closure of Gerstacker, Longview and Thrune Park spray parks/water features:

- The Center for Disease Control (CDC) has recommended the closure of spray parks due to difficulty in keeping touch surfaces clean. Should CDC guidelines be revised mid-season, staff would be able to open up the spray parks with about a week's worth of preparation.
- Financial impact will be a combined reduction in electrical use along with chemicals needed to treat Gerstacker and Longview. Cost savings will be minimal in the \$3,000 range as the spray park tanks will still need to be filled and chlorinated with the circulation pumps running to preserve the infrastructure for the season.

C. Bradley Kaye
May 13, 2020
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3. Stratford Woods Beach:

- The beach will be closed for use through June 1. Additional usage of the beach beyond June 1 will depend on the Governor's guidance on gathering sizes allowed for the summer. This beach is not supervised by City staff and it is signed accordingly. If the ongoing recommendation from staff is to keep the beach closed for the season, it will be very challenging to enforce this measure. This particular location presents difficulties during a normal season with regard to appropriate patron behavior and compliance with rules, so adding on a closure and/or requirements for social distancing or limiting group sizes will be next to impossible to consistently enforce.

4. Cancellation of the LEAP Program:

- This program is an 8-week recreation program for adults with disabilities that meets Monday – Thursday evenings at various locations around the city. The program serves a vulnerable population with the average age of participants around 60 years of age, many of whom have medical issues rendering them unable to tolerate a face covering. Programs involve close contact activities, such as crafts, Bingo and card games, sharing of food and attending events together where it would be difficult to maintain social distancing while our staff ensures participants are safe and accounted for.
- Financial impact of cancelling the program will be an estimated savings of \$4,000 in labor and supplies.

5. Postpone the start date for Tunes by the Tridge to June 18.

- These weekly concerts draw large crowds. Social distance guidelines may be an option for these events depending on what the Governor's ongoing recommendations will be for allowing group gatherings. Postponing the start date until June 18 gives staff time to react to any additional guidelines that come out.
- We anticipate not offering food vendors on-site to prevent the gathering of patrons in lines and common points of contact at the vendor booths.
- Financial impact will be minimal with revenue loss to the City of \$1,000 from the elimination of food vendor booth fees.

6. July 4 Celebration

- Cancel the celebration portion that involves bands and food vendors. This event gathers a very large crowd where social distancing between groups of people would not be feasible and controlling behaviors of patrons in hopes of complying with safe COVID-19 guidelines would not be possible. Crowds gather on the grounds of the Dow Diamond to watch the concert with food vendors lining State Street, leading to long lines of people waiting for concessions and excessive common touch points at condiment stations. With the Great Lakes Loons uncertain of their status at this time, I do not feel it is just to allow a large uncontrollable gathering of this sort on their property.

C. Bradley Kaye

May 13, 2020

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- Shoot the fireworks show with numerous recommended viewing locations surrounding the launch site with the goal of dissipating the crowd.
- The decision to shoot the fireworks show could change if the Governor issues continued limitations on sizes for group gatherings.
- Eliminating the concert/food vendor component of the event will provide a net estimated savings of \$1,500 as the City will not have the cost of the band but will lose revenue from not having the food vendor fees.

7. Athletic Leagues and use of fields located on City property

- Postpone use of all City softball fields and volleyball courts for organized league play until June 15. Social distance guidelines may be an option to allow organized league play depending on what the Governor's ongoing recommendations will be for allowing group gatherings. Postponing the start date until June 15 gives staff time to react to any additional guidelines that come out and make arrangements with each league to see if they can provide a program that meets state recommendations.
- The need for any additional delay in field availability for leagues will be determined by staff based on future Executive Orders issued by the Governor's Office with regard to social distancing and group gatherings.
- City softball and beach volleyball league schedules will be modified accordingly based on field and court availability.

Staff feels these items warrant City Council approval as these changes will result in significant changes to the usual slate of Parks and Recreation program offerings. In addition to these items, staff has made modifications in other areas based on guidelines offered in the Governor's Executive Orders. These modifications include: closure of playground equipment, closure of modern restrooms and placement of additional porta jons, cancellation of pavilion rentals through May 28 with full refunds provided, signage reinforcing the need to socially distance while enjoying outdoor offerings at the skate park, dog park, disc golf course, Emerson Park hockey rink and the City Forest, and delay in installation of docks along the Tittabawassee River that frequently result in gatherings of people. As guidance from the Governor's office changes, these areas will be revisited to determine when it is safe to once again offer these amenities to residents.

Being in a position to necessitate these cancellations, delays and modifications in parks and recreation offerings is disheartening to say the least. On a brighter note, Parks and Recreation staff is working hard to provide a handful of programs this summer, one of which is a touchless version of Walk Midland scheduled to begin June 15. Walk Midland is a free program that offers 2-mile walks at various locations throughout the City Sunday – Friday evenings in cooperation with community partner organizations. Participants are eligible for a drawing each night with prizes this year to be gift cards for local coffee shops and ice cream stores to promote our local businesses. Also coming soon will be a slate of virtual programming to be offered by the Parks and Recreation office online

C. Bradley Kaye

May 13, 2020

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via the website and social media. Proposed programs include geocaching in City parks, a virtual 5K walk/run, Visit a New Park challenge, a sidewalk chalk contest, a park scavenger hunt and a Trail a Week feature. With the fun, new virtual offerings, staff is hoping to keep our park patrons engaged and connected during this summer of uncertainty while promoting safe outdoor recreation options for the community.

Respectfully submitted,

A handwritten signature in blue ink that reads "Karen Murphy". The signature is written in a cursive, flowing style.

Karen Murphy
Department of Public Services



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BY COUNCILMAN

WHEREAS, amid the current environment where exposure to COVID-19 raises concerns for the safety and wellbeing of both City employees and park and recreation program participants; and

WHEREAS, after careful consideration of the summer recreation programs offered through the City with regard to participant safety and financial viability staff has proposed a list closures/delays to recreation programming and facility use; now therefore

RESOLVED, that City Council approves the list of recommendations for program cancellations and delays including:

- Closure of Plymouth Pool for the 2020 season
- Closure of Gerstacker, Longview and Thrune Park spray grounds and water features
- Closure of Stratford Woods Beach through June 1
- Cancellation of the LEAP program for adults with disabilities
- Postpone the start of Tunes by the Tridge to June 18
- Cancel the onsite July 4 Celebration and reduce the event to fireworks launch only
- Postpone organized athletic league play on City-owned properties until June 15; and

RESOLVED FURTHER, that City Council authorizes staff to modify any of the above items, including extending closures into the summer, based on further guidance provided by Executive Orders issued by the Governor's office and/or guidance provided by the Center for Disease Control, all in accordance with the proposal and City specifications.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 18, 2020.

Erica Armstrong, City Clerk

Item Attachment Documents:

7. Site Plan No. 399 - initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive. MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of May 18, 2020

SUBJECT: Site Plan No. 399

INITIATED BY: Lapham Associates on behalf of PKP Properties, LLC

RESOLUTION

SUMMARY: This resolution will approve a petition initiated by PKP Properties, LLC to construct a 22 unit multiple-family residential development, totally 50,688 square feet, at property located at 4908 and 4912 Universal Drive.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report to the Planning Commission
4. Planning Commission minutes
5. Location maps
6. Site Plan
7. Communication

CITY COUNCIL ACTION:

1. Public hearing not required.
2. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



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May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on April 27, 2020, City Council voted to refer Site Plan No. 399, the request of PKP Properties, LLC to construct a 22 unit multiple-family residential development, totally 50,688 square feet, at property located at 4908 and 4912 Universal Drive, back to the Planning Commission. The second review by the Planning Commission was to allow for an additional public input opportunity as well as further review of matters relating to stormwater and parking.

At its meeting on Tuesday, May 12, the Planning Commission reviewed Site Plan No. 399 in accordance with the City Council directive. Ahead of this meeting, staff mailed out notices of the new public input opportunity to all property owners and occupants within 300 feet of the subject properties. These notices were mailed on Wednesday, April 29.

Site Plan No. 399 was recommended for approval by City Planning staff following review of the City's objective criteria established within the site plan review process with two contingencies. Since the initial reviews by the Planning Commission and City Council, the applicant has submitted revised photometric and landscaping plans to satisfy the City's requirements. The applicant has also transmitted detailed engineering plans to the City Engineering Department to provide construction-level detail on the proposed stormwater management system. While minor revisions remain outstanding, the applicant has proposed a stormwater system that will meet the City's requirements.

Following an additional opportunity for public input, the Planning Commission considered the staff comments, the City's objective criteria, including those related to parking and stormwater management, and the public comments received. The following action was taken: it was moved by Koehlinger and seconded by Rodgers to recommend to City Council approval of Site Plan No. 399 contingent upon:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.

Vote on the Motion:

YEAS: Bain, Broderick, Heying, Koehlinger, Rodgers, and Sajbel
NAYS: None
ABSENT: Hanna, Mayville and Pnacek

Motion approved by a vote of 6 to 0.

Over 15 written comments in opposition to this proposal were received ahead of the May 12 meeting and there were nine (9) public comments made in opposition during the meeting. Enclosed is a resolution to approve Site Plan No. 399 with two (2) contingencies for City Council consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is fluid and cursive, with the first name "Grant" and last name "Murschel" clearly distinguishable.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



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BY COUNCILMAN

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 399, by PKP Properties, LLC to construct a 22 unit multiple-family residential development, totally 50,688 square feet, at property located at 4908 and 4912 Universal Drive; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 397 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 399, contingent upon the following:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 18, 2020.

Erica Armstrong, City Clerk



Site Plan SP #399

Date: April 9, 2020

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Danbury Place

APPLICANT: Lapham Associates on behalf of PKP Properties, LLC

LOCATION: 4908 & 4912 Universal Place

ZONING: RB Multiple Family Residential

ADJACENT ZONING:

N:	RC Regional Commercial
W:	RB Multiple Family Residential
E:	RB Multiple Family Residential
S:	OS Office Service, RB Multiple Family Residential and CC Community Commercial

ADJACENT DEVELOPMENT:

N:	American Legion
W:	Multiple family residential
E:	Multiple family residential
S:	Multiple family residential

REPORT

Site Plan No. 399 is the proposal by PKP Properties, LLC to construct a 22 unit multiple-family residential development, totally 50,688 square feet. The property is located at 4908 and 4912 Universal Drive.

The subject property is zoned RB Multiple Family Residential by the City of Midland Zoning Ordinance. Multiple-family dwelling units are a permitted use by right. Site plan review and approval under Section 27.02(A) of the Zoning Ordinance is required for this proposed use. Section 27.06(A) of the Zoning Ordinance states that: "The following criteria shall be used as a basis upon which site plans will be reviewed and approved:"

BASIS FOR ACTION

1. Adequacy of Information

The site plan shall include all required and requested information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

This site plan contains almost all of the required information within its site plan. As is standard practice, the following items remain outstanding and will be addressed at the time of permitting:

1. A final stormwater management plan and permit.
2. A final soil erosion and sedimentation control permit.
3. A revised photometric plan.
4. A revised landscaping plan.

2. **Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

The proposed site plan elements are efficiently organized within the parcel, with minimal vehicular driveway connections and appropriate building spacing and screening techniques.

3. **Appearance**

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

The design and layout of the proposed development is consistent with adjacent multiple family residential uses. The site plan proposes additional landscaping to soften the large parking area.

It should be noted that the landscaping calculations provided are not correct and need to be revised to demonstrate compliance. As such, a revised landscaping plan is necessary to the satisfaction of the City Planning Department.

4. **Compliance with District Regulations**

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

The project meets all setback, lot area, height and other dimensional requirements for the proposed use in the RB zoning district.

5. **Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

The site as exists today is undeveloped and vacant. A previous development was started over a decade back but utilities were only minimally completed but the development was abandoned. The proposed site plan minimizes removal of existing trees while also utilizing the existing drainage course of the site.

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

The proposed site design provides visual privacy via retaining existing trees while also spacing buildings away from lower density residential uses.

7. **Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

The proposed site plan has been arranged to permit appropriate access for emergency vehicles. Proper vehicle maneuvering around the site is also provided.

8. **Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

Adequate vehicle ingress and egress is provided as proposed for both pedestrians and vehicles.

9. **Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system, which is insulated as completely as is reasonably possible from the vehicular circulation system.

Pedestrian circulation is seen as adequate with two connections proposed to the public sidewalk system.

10. **Vehicular and Pedestrian Circulation Layout**

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

Vehicular and pedestrian circulation is considered to be appropriate as proposed.

11. **Parking.**

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance.

The proposed development provides off-street parking that is in compliance with the City's parking standards.

12. **Drainage**

The project must comply with the City's Stormwater Ordinance.

As is consistent practice, preliminary plans have been submitted, and the final stormwater plan and permit must be approved by the City Engineering Department.

13. **Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.

As is consistent practice, a soil erosion and sedimentation control permit is required at the construction permitting stage of development. No concerns regarding soil erosion or sedimentation control were identified during the departmental site plan review process.

14. **Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.

Proposed lighting is compliant with City standards in most areas but exceeds the standards at the vehicular entrance. A revised photometric plan to the satisfaction of the City Planning Department is required.

15. **Public Services**

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.

Adequate public services exist to serve the proposed development. Dial-A-Ride access is available within the interior of the site but will require temporary blocking of parking spaces while pick-ups

and drop-offs are happening; while not ideal, this occurrence is common. The only outstanding item remaining as it relates to public services is the final stormwater management permit.

16. Screening

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.

As mentioned above, the screening is provided via retained and proposed vegetation.

17. Health and Safety Concerns

Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations.

No health and safety concerns have been identified in the review of this site plan.

18. Sequence of Development

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

The proposed on-site development is to be completed within one phase.

19. Coordination with Adjacent Sites

All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

The proposed development will not require coordination with any adjacent properties.

20. Signs.

All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance

The site plan provides conceptual signage. Notably, the proposed ground signage is within a utility easement at the front of the property. This signage must be relocated. All proposed signs shall apply for sign permits in line with the requirements of Article 8.00 and be approved by the City Building Department.

CONTINGENCY ITEMS

Based on evaluation of the site plan as proposed, staff is of the opinion that the proposal meets the City's requirements and is designed in a manner to fit harmoniously into this area of the city. That said, inclusion of the following contingencies should be maintained in order for the plan to fully satisfy City requirements:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
3. A revised photometric plan to the satisfaction of the City Planning Department.
4. A revised landscaping plan to the satisfaction of the City Planning Department.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on April 14, 2020 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on April 27, 2020 the City Council will

consider the site plan and Planning Commission recommendation. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is fluid and cursive, with the first name "Grant" and last name "Murschel" clearly distinguishable.

Grant Murschel
Director of Planning & Community Development

MINUTES OF THE REGULAR MEETING OF THE MIDLAND CITY PLANNING COMMISSION, ON TUESDAY, MAY 12, 2020 7:00 P.M.

MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC

<https://zoom.us/join> | Webinar ID: 869 7592 7298 | Password: 411746

1. The meeting was called to order at 7:05 p.m. by Grant Murschel, Director of Planning & Community Development, as neither the Chair or Vice Chair of the meeting were present.

2. Roll Call

PRESENT: Bain, Heying, Koehlinger, Sajbel, and Rodgers

ABSENT: Broderick, Hanna, Mayville, Pnacek

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and fifteen (15) others.

3. Due to the absence of both the Chair and Vice Chair, Mr. Murschel indicated that a designated acting chair will need to be nominated and approved. Bain motioned to nominate Heying as acting chair of the meeting, Rodgers seconded the motion.

Yeas: Bain, Heying, Koehlinger, Sajbel and Rodgers

Nays: None

Motion carries 5-0.

4. Approval of Minutes

Rodgers made a motion to approve the minutes of the regular meeting of April 28, 2020 as written, seconded by Sajbel.

Yeas: Bain, Heying, Koehlinger, Sajbel and Rodgers

Nays: None

Motion carries 5-0.

5. Public Hearings

None

Commissioner Broderick joined the meeting at 7:13 p.m.

6. Old Business

- a. **Site Plan No. 399** - initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive.

Mr. Murschel noted that this item is not a public hearing, but the Planning Commission was given the directive from City Council to provide another public input opportunity. Mr. Murschel gave an overview of the site plan highlighting the objective criteria that has been met, and paying special attention to the parking and stormwater management standards.

Petitioner:

Patrick Pnacek 2525 N. Eastman Road, Midland, MI representing PKP Properties. Mr. Pnacek indicated that the plan was developed to align with the City's requirements. The property has been zoned for multiple-family residential for over 15 years.

Comments in Opposition:

Adam Bruski, of Warner, Norcross and Judd, LLP, representing Kathy Burwick of 5000 Universal Drive. Mr. Brewsky stated that there was not enough notice given for this public hearing and that the public hearing should not be conducted during the pandemic. He feels that only essential government business should take place and this public hearing does not meet the requirements.

Kathy Berwick, 5000 Universal Drive, stated that when she purchased her home in March, she was not told that there were plans to develop student housing next door. She is very opposed to student housing in this area.

Dwight Lewis, 5004 Raintree Drive, spoke to the definition of *family* and indicated that this site plan does not follow the ordinance.

Ann Marie Pomranky, 5106 Raintree Drive, thinks the overdevelopment of the area is an issue.

Jennifer Novakowsky 5126 Raintree Drive, thinks that the area is oversaturated with multi-family and rentals housing already.

Carol Sanford, 5012 Raintree Drive, stated that she will be looking onto the patios of the development. She thinks this area is too populated with multifamily developments. She also stated that the water retention in the area will not withstand the new development.

Robert Everett, 5103 Raintree Drive, feel that this development does not fit with the area and will create social conflict. He also questioned if all communications in opposition have been transmitted to the Planning Commission and that an in-person public meeting should happen before a vote is taken.

Shirley Brown, 5006 Stephanie Drive, agrees with all comments in opposition, she is especially concerned about the increase in traffic.

James Cherry, Post Leader at the American Legion at 5111 Hedgewood Drive. He is concerned about traffic as well as the water retention issue. He wondered if a fence would be provided separating the new development from the Legion's property.

Murschel confirmed that a new fence is not proposed to be constructed along this property line.

Comments in Support:

None

Petitioner rebuttal:

Patrick Pnacek stated that all of the criteria are being met for this site plan and they have complied with all requirements needed. Other site plans have been approved during the time of the pandemic and that should not be the reason for disapproval or delay.

Hearing no additional comments from the public, Heying moved onto deliberation by the Planning Commission.

Rodgers commented that the board needs to stay focused on the fact that this is a list of objective criteria and a matter of private property rights. Multifamily residential is a description the type of dwelling unit and not a description of who may or may not live in a residence. He pointed out that a recent executive order allowed construction to resume and that the argument that action on site plans is non-essential is irrelevant.

Bain commented that the plan has meet the objective requirements and believes that this is a use by right.

Koehlinger made a motion to recommend approval Site Plan No. 399 the proposal by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive, with the following contingencies. The motion was seconded by Rodgers.

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.

2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.

Vote on the motion:

Yeas: Bain, Heying, Koehlinger, Sajbel, Broderick and Rodgers

Nays: None

Motion carries 6-0

7. **Public Comments** (unrelated to items on the agenda) – None
8. **New Business** – None
9. **Communications** – None
10. **Report of the Chairperson** – None
11. **Report of the Planning Director** - Site Plan No. 399 will move forward onto City Council for the meeting which will be held via virtually on Monday May 18th, 2020. He gave a special thanks to Mr. Heying for stepping in to chair tonight's meeting.
12. **Items for Next Agenda – May 26, 2020**
 - a. **Zoning Text Amendment No. 161** – Amendments to the Site Plan Review Process
13. **Adjournment**

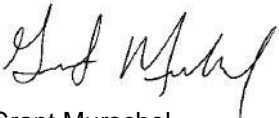
It was moved by Bain and seconded by Rodgers to adjourn at 8:30 p.m.

Yeas: Bain, Heying, Koehlinger, Sajbel, Broderick and Rodgers

Nays: None

Motion carries 6-0.

Respectfully submitted,



Grant Murschel

Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

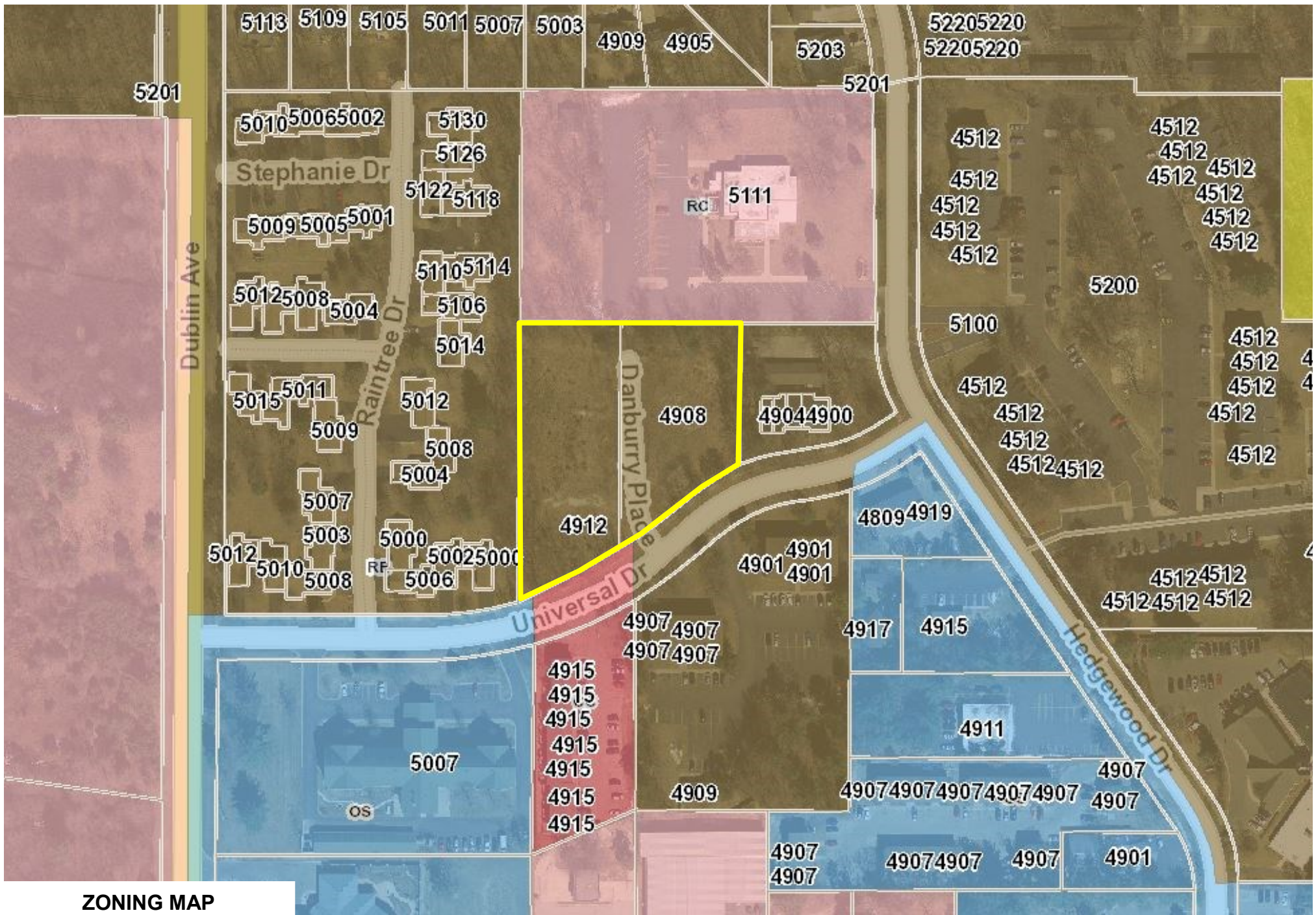
> 4 108 & 4912 Universal Drive

> 4 108 & 4912 Universal Drive



SP #399 | Danbury Place Townhomes

> 4 109 & 4912 Universal Drive



Danbury Place

Prepared For

PKP Properties, LLC

Section 6, T.14N., R.2E., City of Midland, Midland County, Michigan

SITE ADDRESS: 4912 Universal Dr., Midland, MI 48642

Property Description:

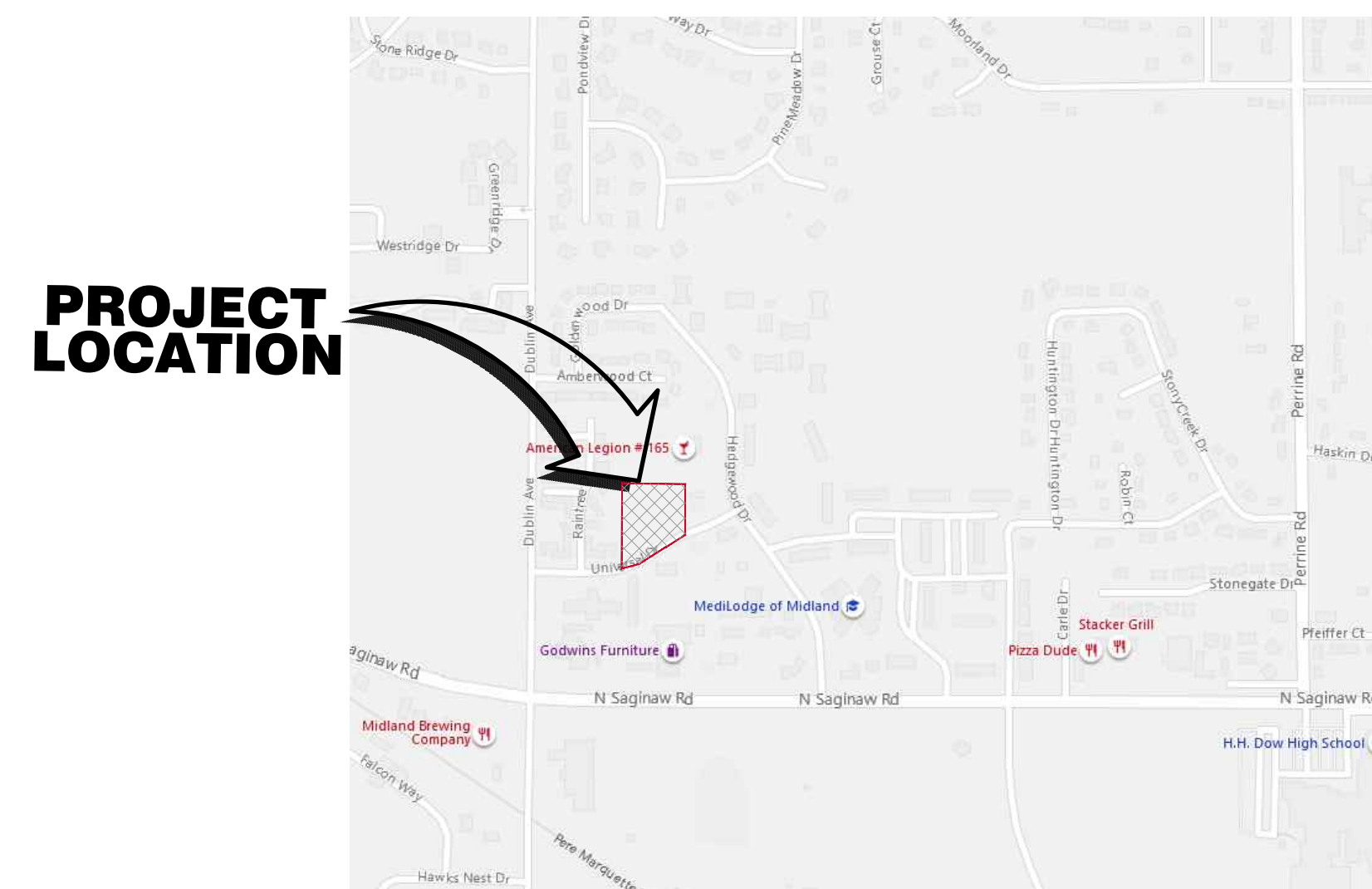
Lots 6 & 7 of Hedgewood Subdivision No. 1, City of Midland, Midland County, MI

Sheet Index:

- | | |
|--|--|
| C-1 | Cover Sheet |
| C-2 | General Notes |
| C-3 | Topographic Survey |
| C-4 | Demolition Plan |
| C-5 | Site Plan |
| C-6 | Site Details |
| C-7 | Utility Plan |
| C-8 | Photometric Plan |
| C-9 | Grading Plan |
| C-10 | Storm Water Management Plan |
| C-11 | Landscaping Plan |
| C-12 | Life Safety Site Plan |
| C-13 | SESC Plan (not included in Site Plan submittal) |
| C-14 | SESC Key (not included in Site Plan submittal) |
| C-15 | Specifications (not included in Site Plan submittal) |
| C-16 | Specifications (not included in Site Plan submittal) |
| City of Midland Standard Details (not included in Site Plan submittal) | |

Submission Table:

- | | |
|-------------------|---|
| February 25, 2020 | Submit initial preliminary site plans to the City of Midland for their review.
These plans are not to be used for construction. |
| April 7, 2020 | Revised site plans per the City of Midland site plan review comments.
These plans are not to be used for construction. |
| April 21, 2020 | Revised site plans for the City of Midland engineering plan review.
These plans are not to be used for construction. |



LOCATION MAP
N.T.S.



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C-1

Cover Sheet
Multi-Family Residential Development
4912 Universal Dr., Midland, MI 48642
For
PKP Properties, LLC

PROJECT NUMBER: P-190545	DRAWN BY: S.E. Bell	SCALE: N/A
ENGINEER: Timothy L. Lapham, P.E., P.S. 27595	DATE: April 7, 2020	SHEET C-1
REVISED: April 21, 2020 for Engineering Review		
REVISED:		

NOTE SHEET

3. **EXTENSION OF PUBLIC UTILITIES:** All public sanitary sewer and/or water main **SHALL** be extended to the fullest limits of the property, including corner lots, with the pipe size and material approved by the owning municipality. This is necessary for plan approval. For water service of 1" or less on a building on a corner lot, the requirements to extend the public water main and/or sanitary sewer along both property lines will be reviewed.
2. **SOIL EROSION:** The DEVELOPER shall submit a detailed Soil Erosion and Sedimentation Control plan and obtain an Act 451 Part 91, Soil Erosion and Sedimentation Control permit. This includes the payment of fees and the providing of necessary bonds. **No earth changes or excavation shall be started prior to the issuance of this permit.** The DEVELOPER shall protect all existing and proposed storm sewer facilities on and adjacent to the site during excavation and construction. All sediment shall be contained on site. Any silt in county drains, storm sewer, culverts, etc. as a result of this project, shall be removed by the DEVELOPER at the cost of the DEVELOPER.
3. **FLOOD PLAIN OR WETLAND CONSTRUCTION:** The DEVELOPER shall apply to the Michigan Department of Environment Great Lakes and Energy (EGLE) for a permit for the alteration and/or occupation of a flood plain or floodway, as required under PA 451. Evidence of this permit may be required prior to plan approval.
4. **NPDES STORM WATER DISCHARGE PERMIT:** The owner of the property shall obtain a NPDES Storm Water Discharge permit for construction activities from EGLE as required under Public Act 451. The notice of coverage form shall be submitted with the Soil Erosion Control permit application. All EGLE fees shall accompany the Notice of Coverage.
5. **ROAD PERMIT:** The DEVELOPER shall obtain a permit from the City to perform work within the road Right-of-Way. All fees for the permit, bonds and insurances are the responsibility of the developer.
6. **MUNICIPALITY SANITARY SEWER AND WATER PERMIT:** Prior to the issuance of a building permit by the local municipality, the developer may be required to obtain a sanitary sewer and/or water tap-in permit from the owning municipality.
7. **STATE CONSTRUCTION PERMITS:** The sanitary sewer and water main construction permits from the Michigan Department of Environment Great Lakes and Energy shall be submitted to the EGLE after approval local municipality. Construction shall not begin until these state permits are issued.
8. **UTILITY WARNING** - Underground locations as shown on the plans were obtained from utility owners, and were not field located. A minimum of three (3) working days prior to beginning construction, the contractor shall notify "MISS DIG" (800-482-7171) and have all underground utilities staked before any work may begin. The contractor shall be responsible for the protection and/or relocation of all utilities that may interfere with construction. Three (3) Working Days Before You DIG - Call MISS DIG (1-800-482-7171).

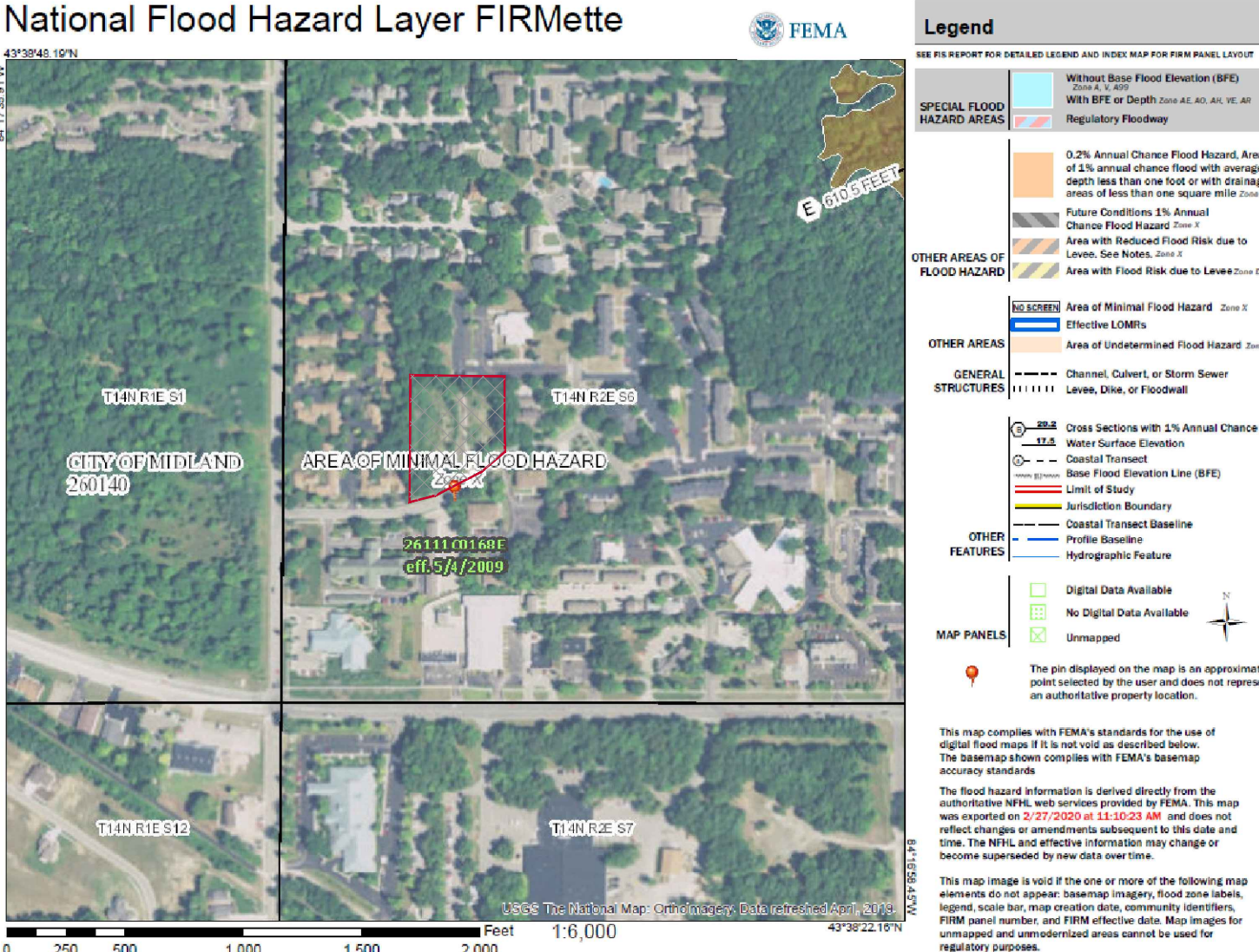
NRCS SOILS MAP

1. The contractor shall be responsible to review and be familiar with all portions of these plans. Any discrepancies between different portions of the plans shall be brought to the attention of the Engineer and shall be resolved prior to construction.

Map Unit Symbol	Map Unit Name	Acre in AOI	Percent of AOI
Kg	Kingsville loamy fine sand	2.8	97.3%
PsB	Pipestone sand, Erie-Huron Lake Plain, 0 to 3 percent slopes	0.1	2.7%
Totals for Area of Interest		2.8	100.0%



FEMA FLOOD MAP



BENCHMARKS

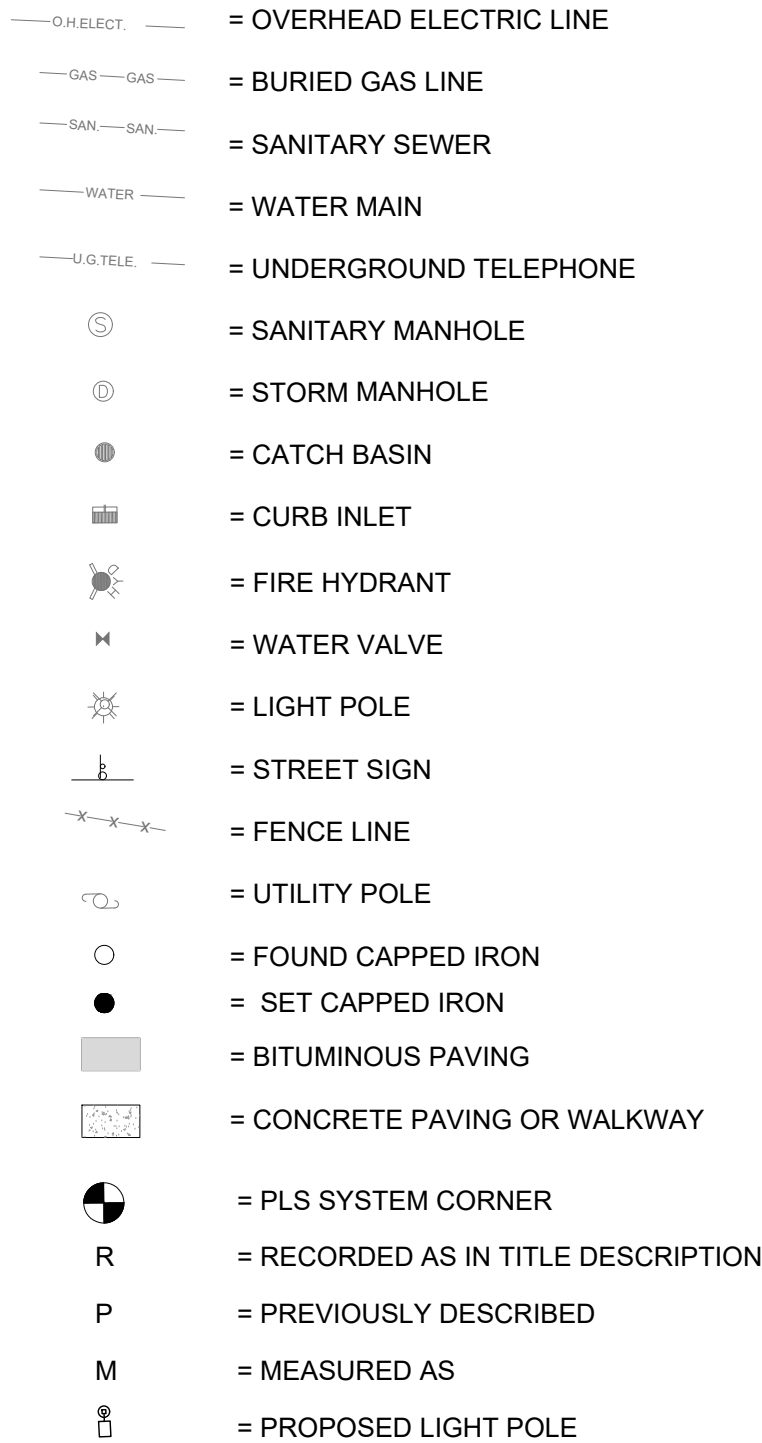
Benchmark #1

Top of hydrant on north side of Universal Drive 200'± west of Hedgewood Drive.
NAVD 83 datum Elev. = 627.23 (City of Midland datum 629.11)

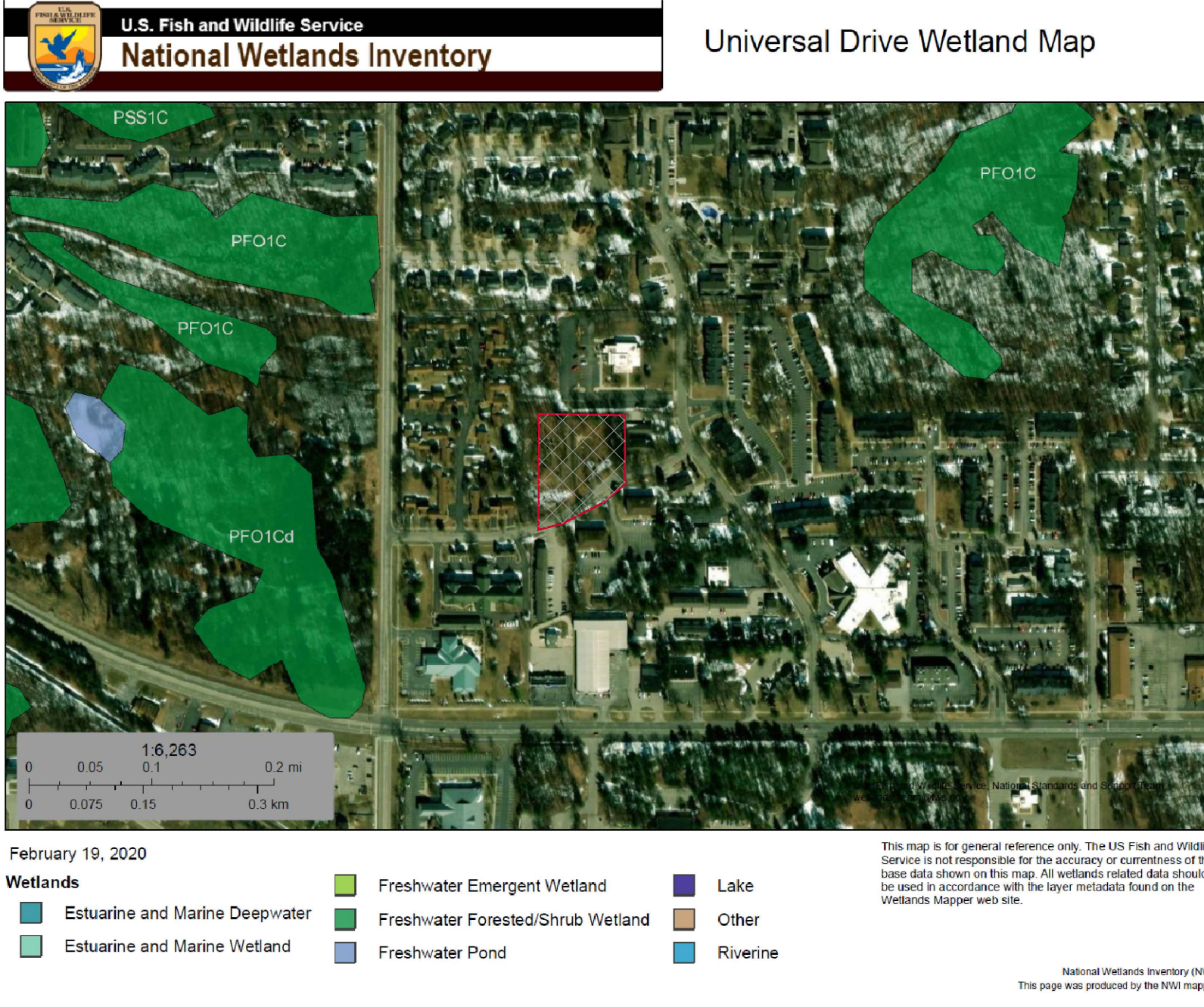
Benchmark #1

Top of Screw & tag in lightpole on south side of Universal Drive south of west property line.
NAVD 83 datum Elev. = 626.85 (City of Midland datum 628.73)

PLAN LEGEND



WETLAND MAP



ABBREVIATIONS

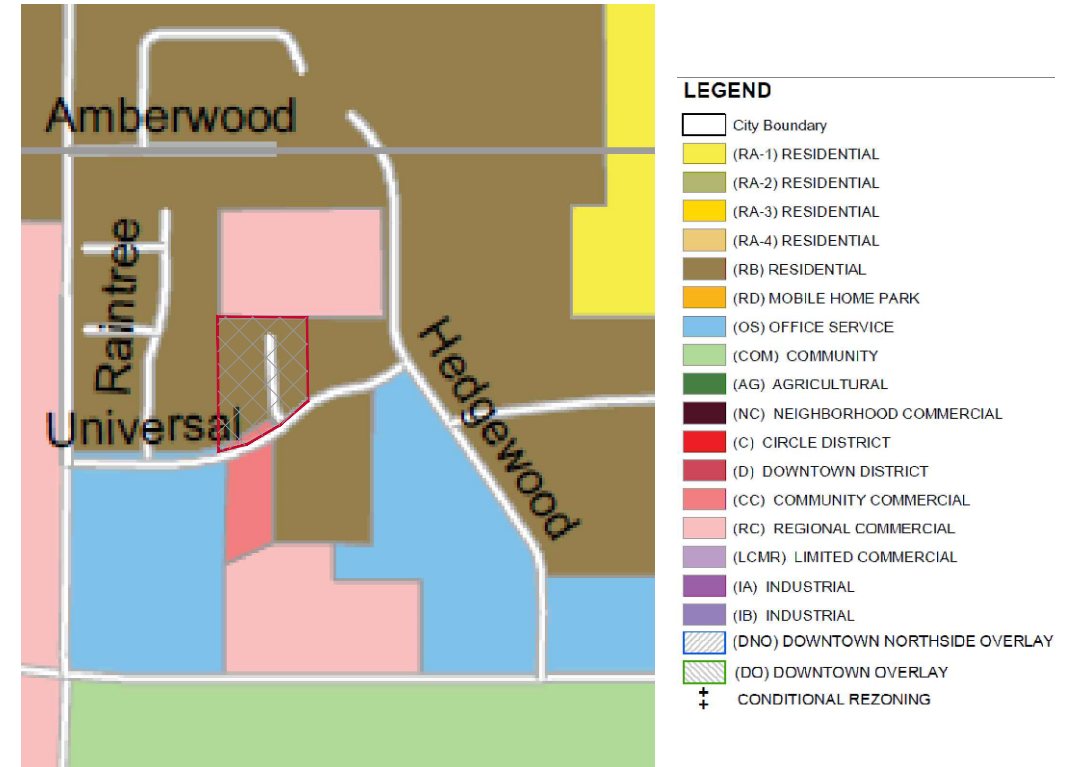
LIST OF ABBREVIATIONS

Definitions

A.C.	Alternating Current
A.F.C.	Adult Foster Care
ASPH.	Asphalt Paving
ASTM	American Society of Testing Materials
AWS	American Welding Society
AWWA	American Waterworks Association
BLDG.	Building
CIP	Compacted in place
CL	Class
CONC.	Concrete
C.Yd. or CYD	Cubic Yard
DR °	Dimension Ratio Degrees
EA	Each
EJ	East Jordan Iron Works
ELEV.	Elevation
EX	Existing
F.F.	Finish Floor
G.P.M.	Gallons Per Minute
I.Q.	Inside Diameter
Inv.	Invert
Lbs.	Pounds
LFT	Lineal Feet
L.S.	Lump Sum
Max.	Maximum
MDOT	Michigan Department of Transportation
M.H.	Manhole
Mil.	Millimeter
Min.	Minimum
MUW	Maximum Unit Weight at optimum moisture content
No.	Number
NSF	National Sanitation Foundation
OSHA	Occupational Safety Health Administration
PSIGP	Pounds per square inch gauge
PVC	Polyvinyl Chloride
R.O.W. or R/W	Right-of-Way
RAD.	Radius
SDR	Standard Dimension Ratio
SYD	Square Yard
T.D.H.	Total Dynamic Head
V.L.F.	Vertical Lineal Feet
'	Minutes of angles or Feet
"	Seconds of angles or Inches
%	Percent
#	Pounds

General Notes
Multi-Family Residential Development
4912 Universal Dr., Midland, MI 48642
For
PKP Properties, LLC

ZONING MAP



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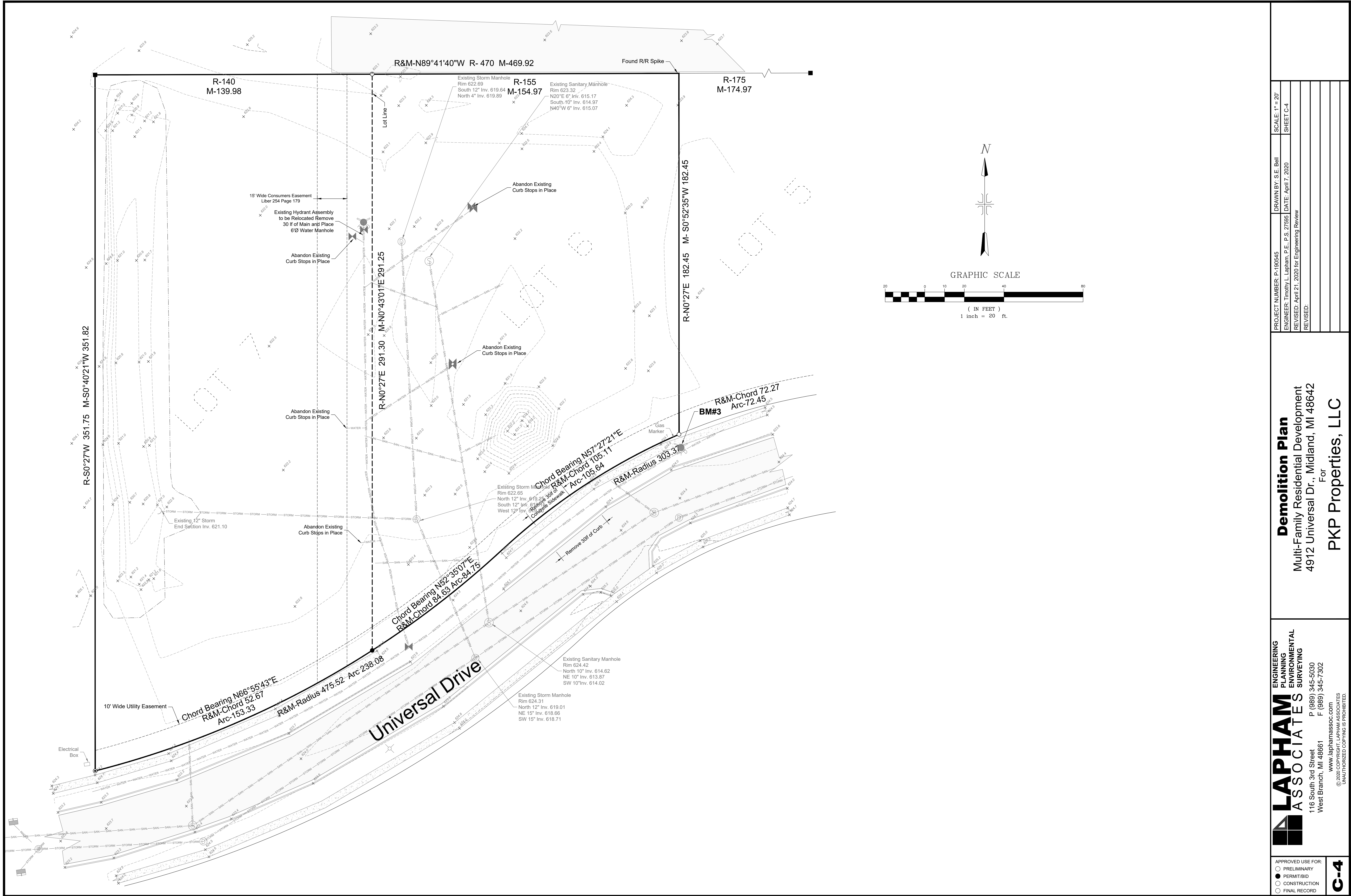
☐ PRELIMINARY

☒ PERMIT/BID

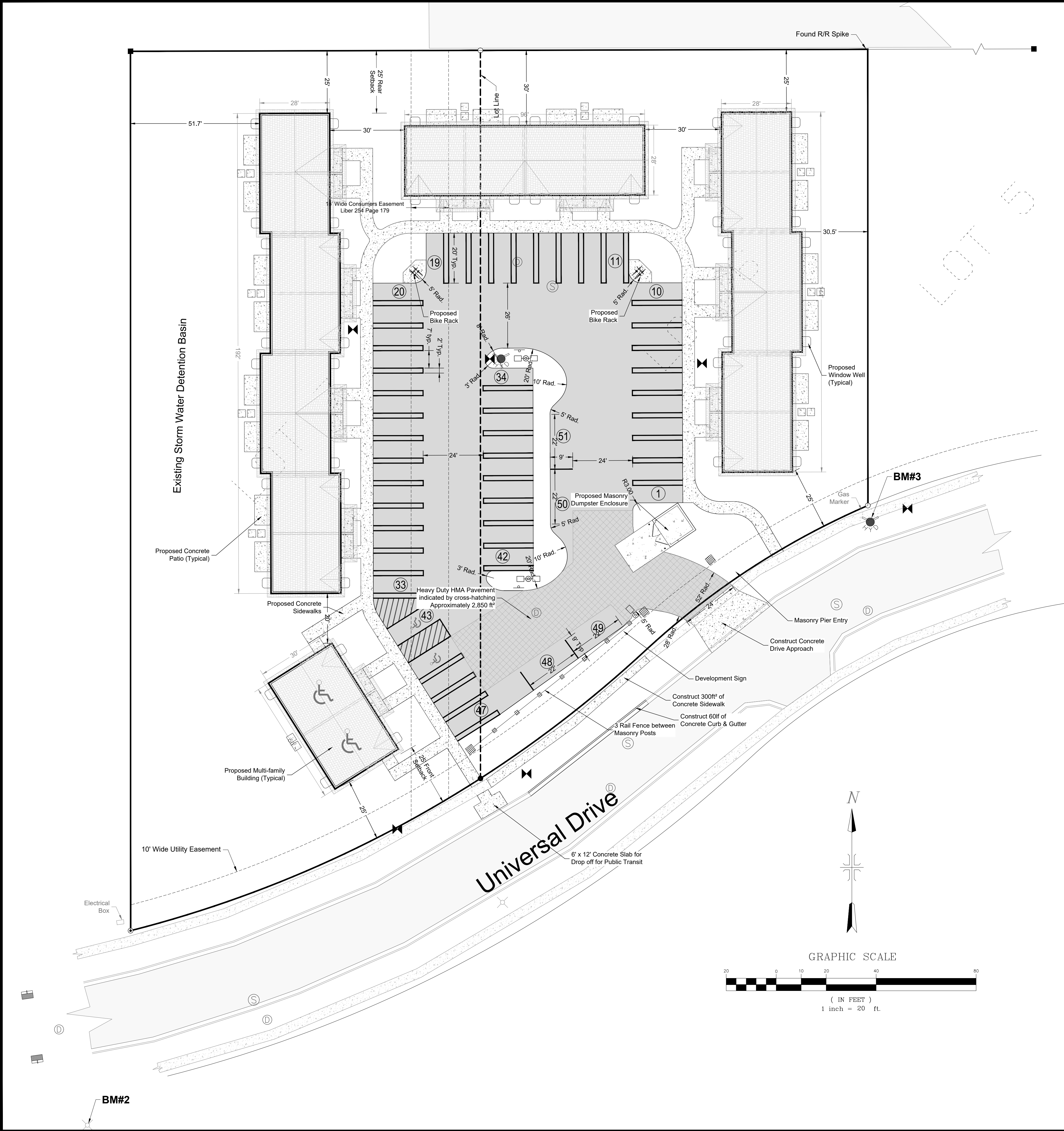
☐ CONSTRUCTION

☐ FINAL RECORD

2-C



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	APPROVED USE FOR: ○ PRELIMINARY ● PERMIT/BID ○ CONSTRUCTION ○ FINAL RECORD			
	C-4			



Site Plan Notes:

- These plans and specifications are subject to modification during construction when conditions develop that were not apparent during the design and preparation of these plans. All modifications must be approved by local jurisdiction prior to construction and/or implementation.
- In the event of any discrepancy between any drawing and the figures written thereon, the figures shall be taken as correct.
- Should it appear that the work to be done or any matter relative thereto is not sufficiently detailed or explained on these plans, the contractor shall contact the engineer for such further explanations as may be necessary.
- Before commencement of work, the contractor shall review all plans and specifications and the job site. The contractor shall notify the owner and the engineer of any discrepancies that may require modification to these plans or of any field conflicts.
- Contractor agrees that in accordance with generally accepted construction practices, the contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property. This requirement shall be made to apply continuously and not be limited to normal working hours.
- Contractor shall obtain all necessary permits prior to commencing construction involving right-of-ways, and for the construction, modification, or connection to facilities. All workmanship, equipment and materials shall conform to local jurisdiction standards and specifications.
- Traffic control shall be provided in accordance with local jurisdiction.
- The contractor shall provide all lights, signs, barricades, flag men, or other devices necessary to provide for public safety.
- Where soil or geologic conditions encountered in grading operations are different from those generally anticipated, or where conditions warrant changes to the recommendations contained therein, a report of soil or geologic conditions shall be submitted along with proposed changes for approval and shall be accompanied by an engineer's opinion as to the safety of the site from the possibility of land slippage, settlement and seismic activity.
- A preconstruction meeting shall be scheduled with the developer, services personnel and the developer's contractor. A preconstruction meeting shall take place prior to the starting of any construction on the site.
- Meet all current applicable ADA requirements for parking, signage, ramps, sidewalks, and warning notification on sidewalks approaching drives as required.

Zoning Notes:

Owner:	PKP Properties, LLC 2525 N. Eastman Road Midland, MI 48642
Use:	Multi-family Residential
Zoning:	Residential B District "Multiple Family Residential District"
Setbacks:	Front Setback 25' Side Setback 25' Rear Setback 25'
Density:	(per Table 9.2 - 3,500 ft² per 3 or more bedroom unit required) Parcel Size 81,763 ft² / 3,500 ft² per unit = 23 units maximum 22 units x 3,500 ft² per unit = 77,000 ft² required less than the 81,763 ft² parcel

Parking Calculations:

Parking Spaces Required:	
2 Space per Dwelling Unit + 1 space per every 3 Dwelling Units per Table 5.3	
22 Dwelling Units x 2 =	44 Spaces
22 Dwelling Units / 3 =	7 Spaces
Total Required Spaces	51 Spaces
Total Provided Spaces	51 Spaces

Site Plan

Multi-Family Residential Development

4912 Universal Dr., Midland, MI 48642

For

PKP Properties, LLC

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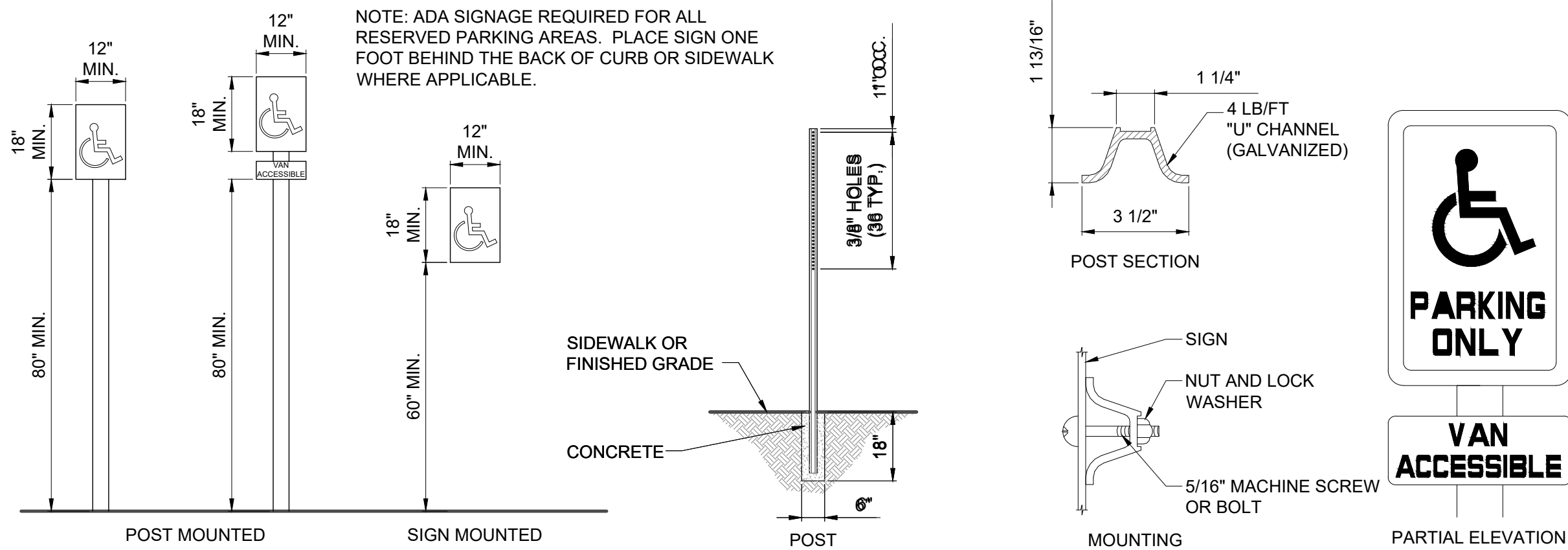
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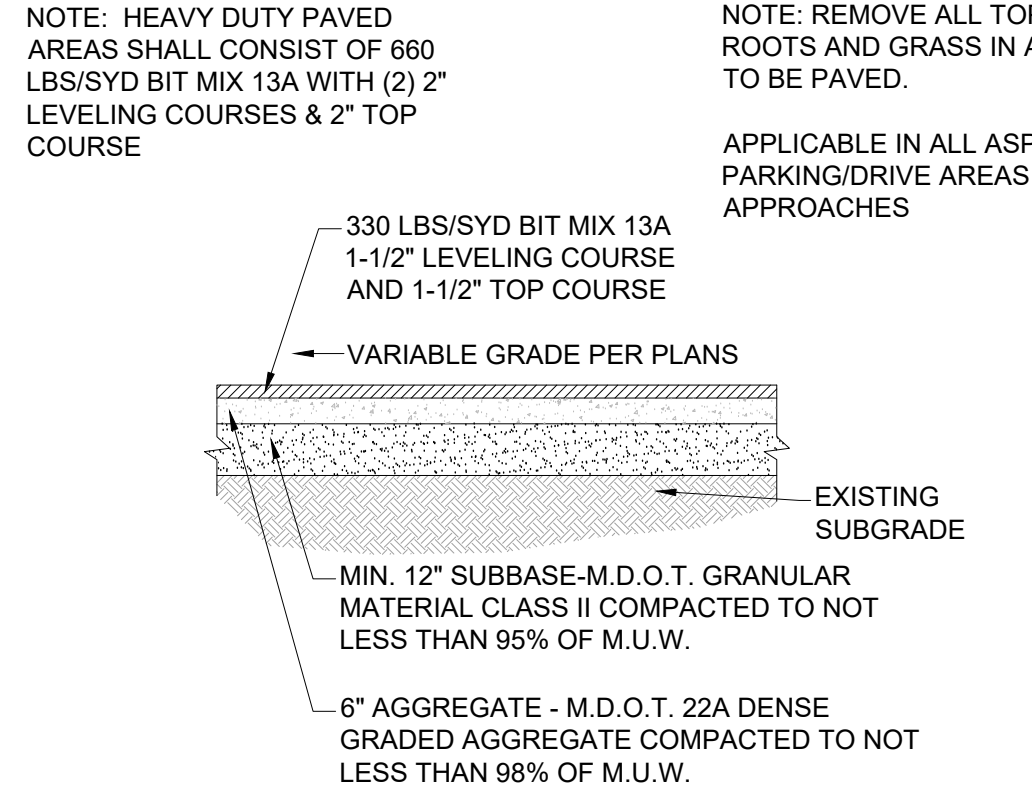
C-5

PROJECT NUMBER: P-190545
ENGINEER: Timothy L. Lapham, P.E., P.S. 27595
REVISED: April 21, 2020 for Engineering Review
REVIEWED:

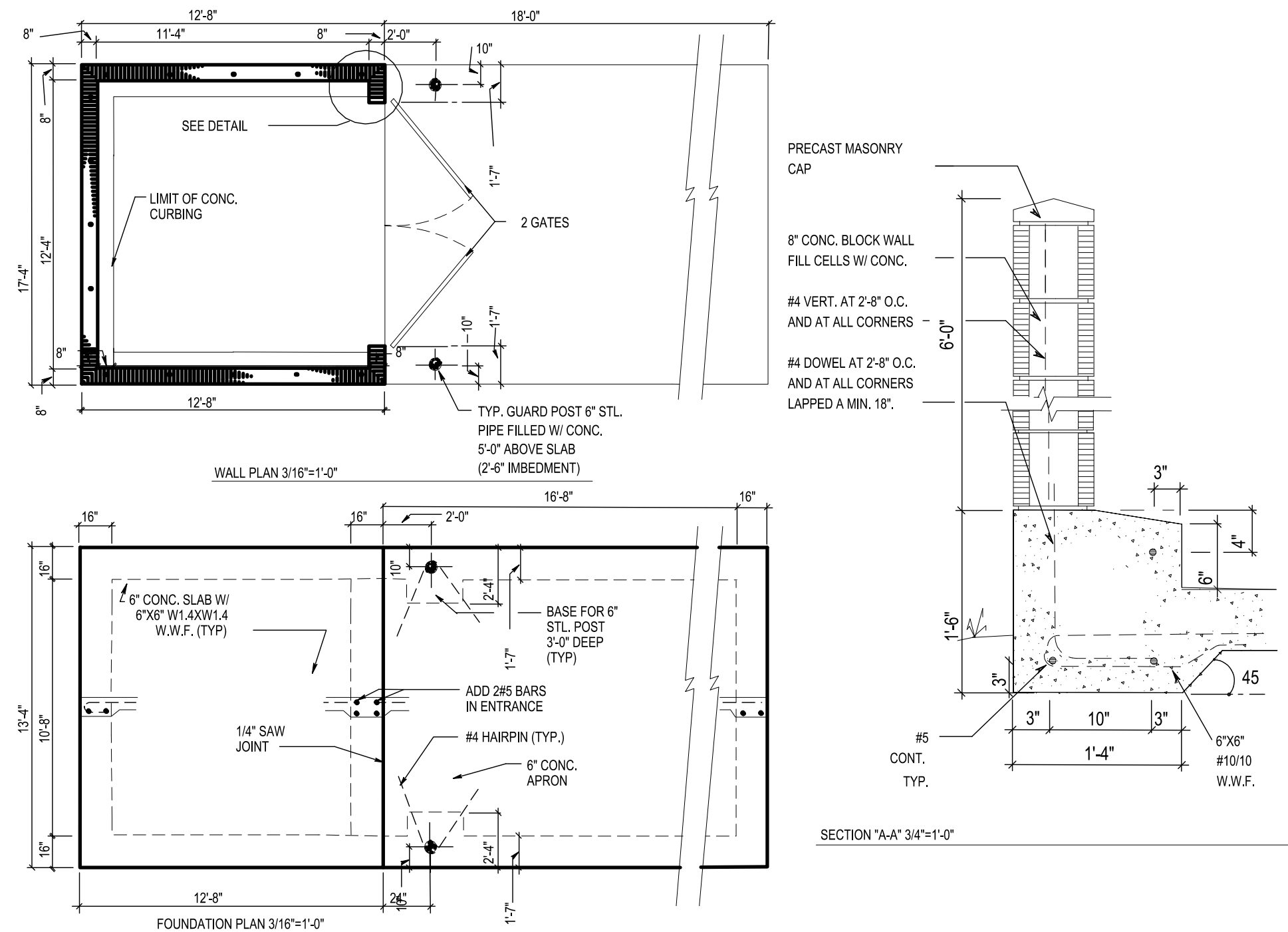
DRAWN BY: S.E. Bell
SCALE: 1" = 20'
SHEET C-5



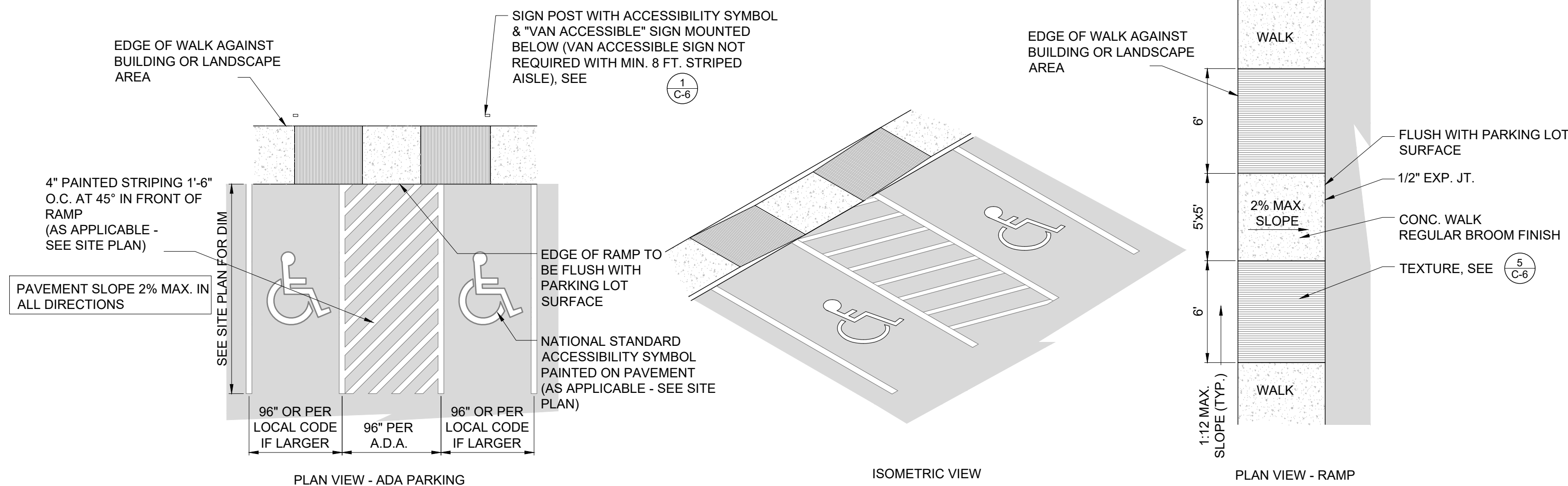
1 C-6 ADA SIGNAGE DETAIL SCALE: NONE



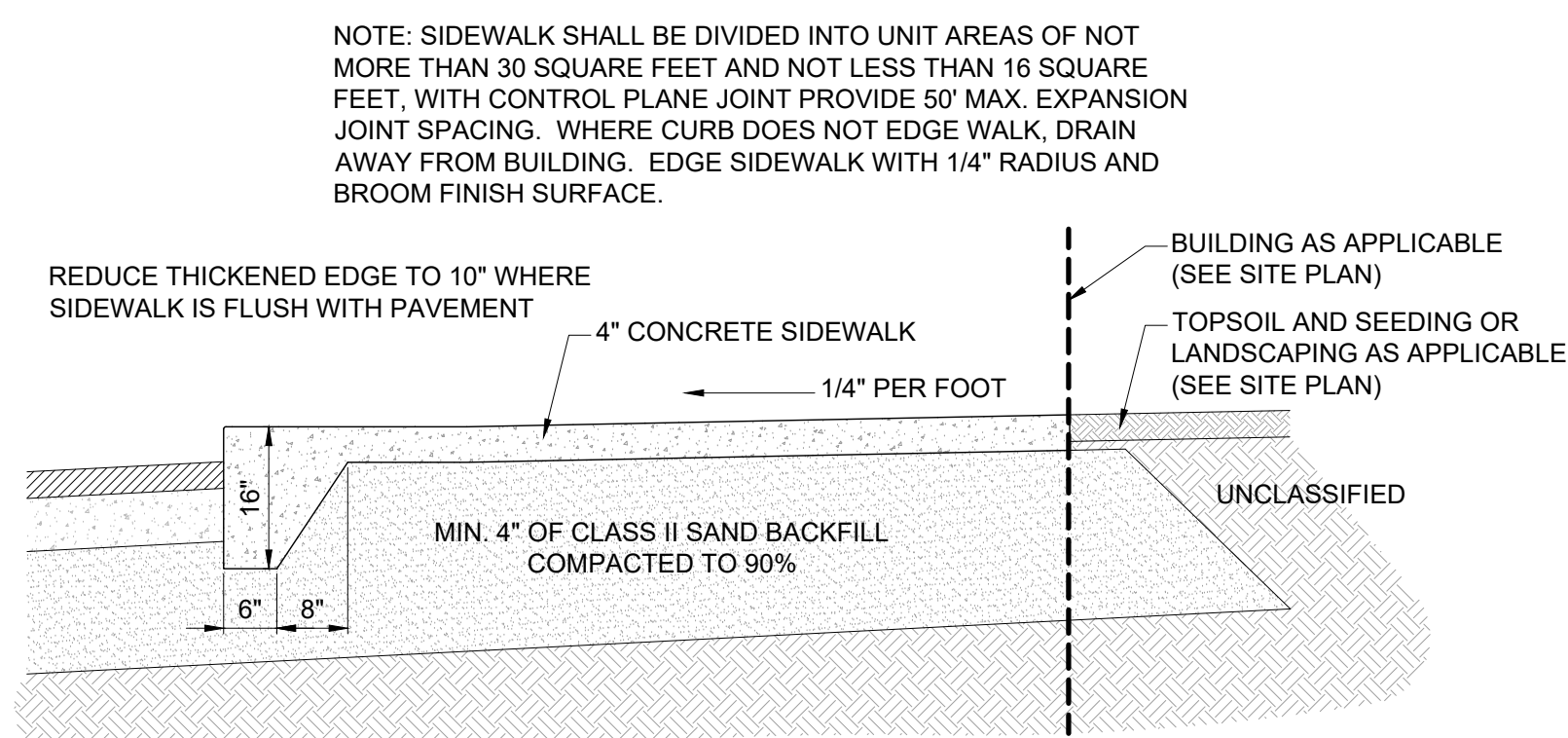
2 C-6 BITUMINOUS PAVEMENT DETAIL SCALE: NONE



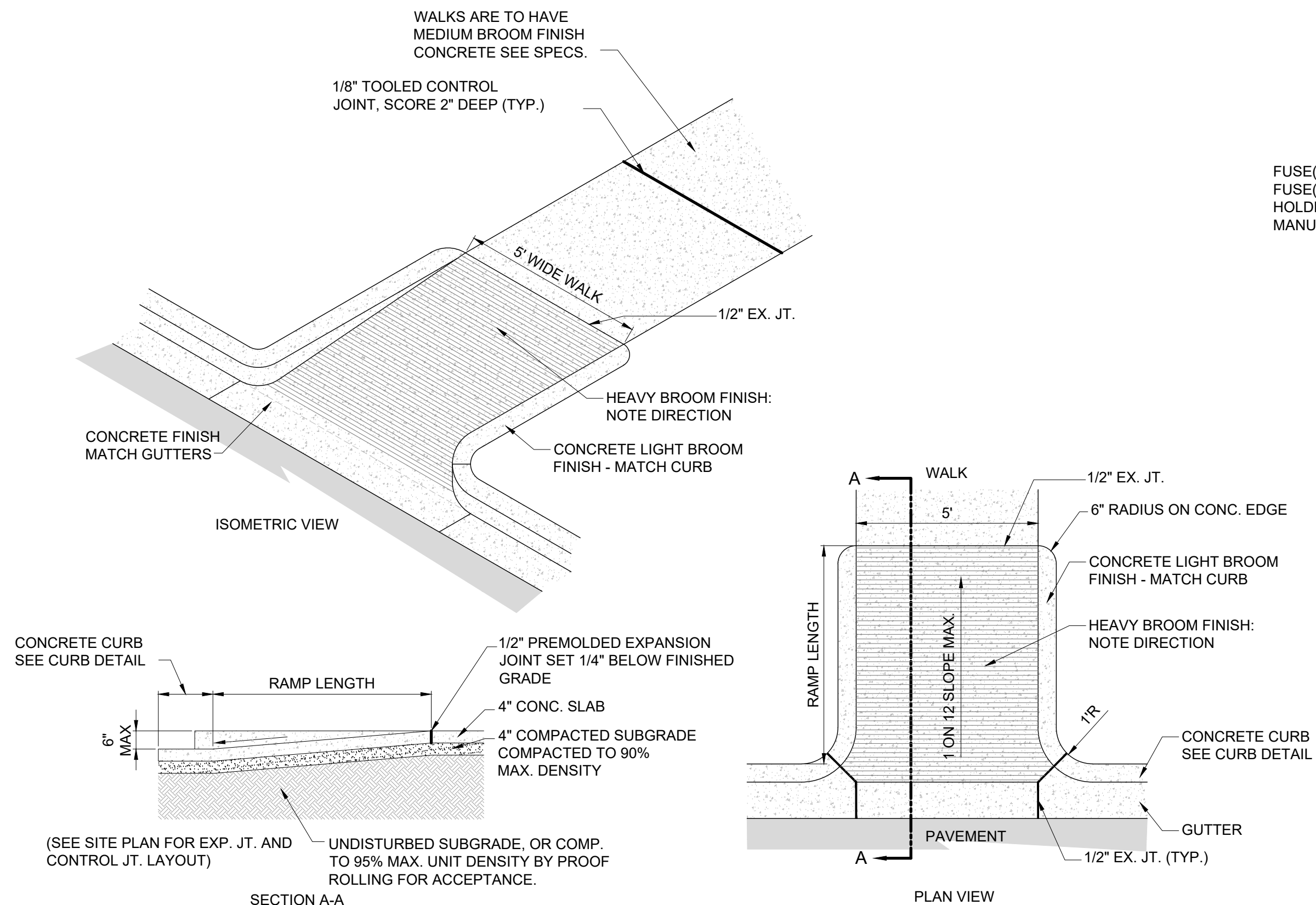
3 C-6 DUMPSTER ENCLOSURE DETAIL SCALE: As Shown



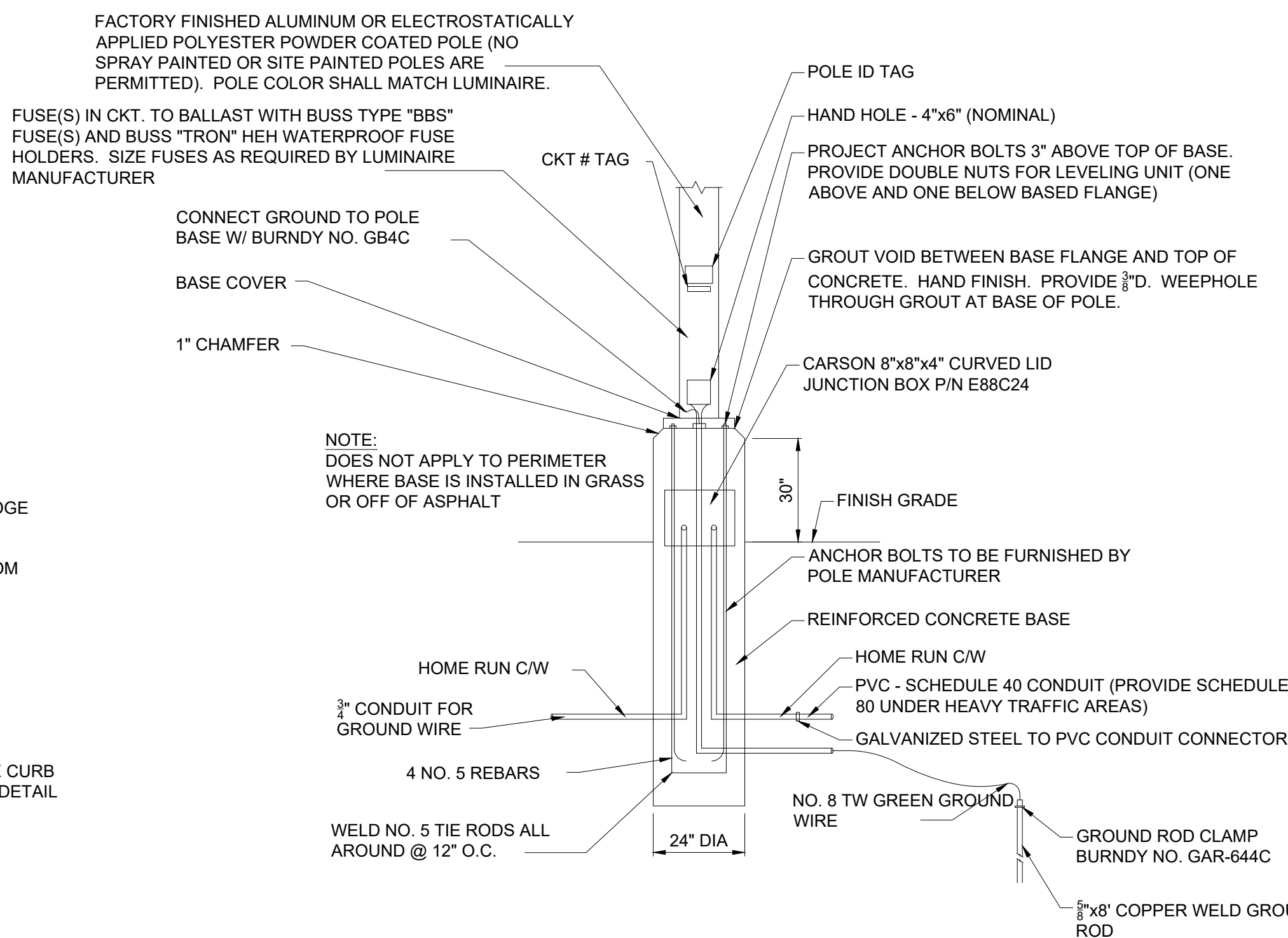
4 C-6 ACCESSIBLE PARKING STALLS SCALE: NONE



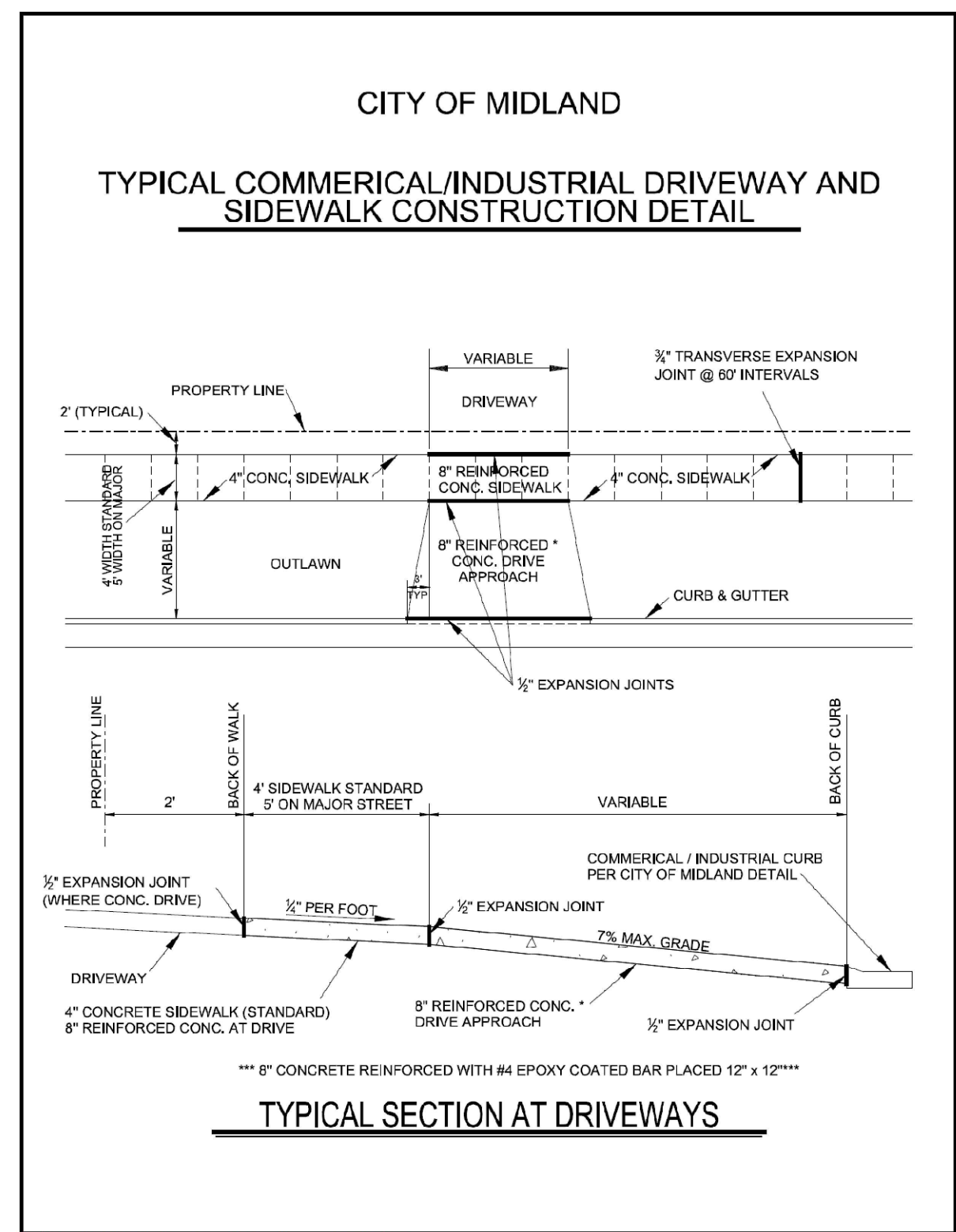
6 C-6 TYPICAL SIDEWALK DETAIL SCALE: NONE



5 C-6 BARRIER FREE RAMP - TYPE I SCALE: NONE



7 C-6 LIGHT POLE BASE SCALE: NONE



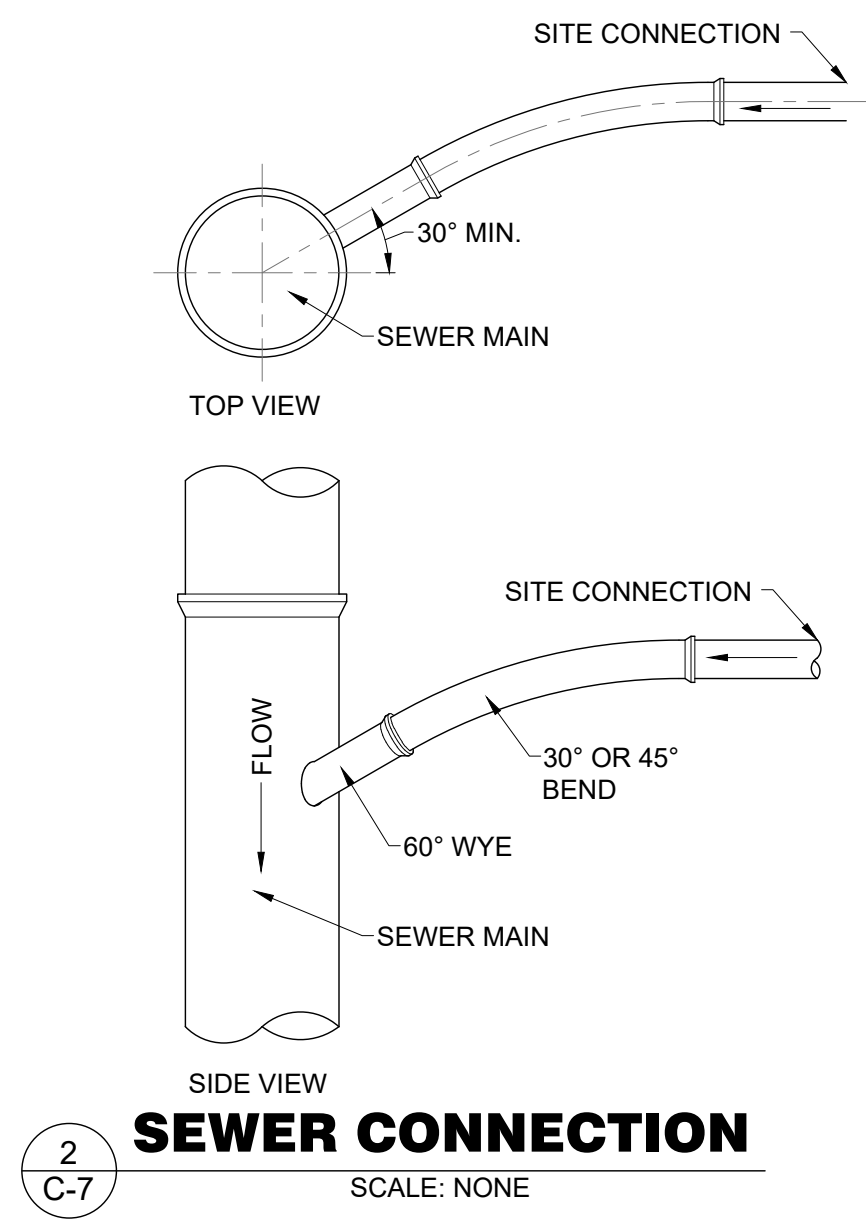
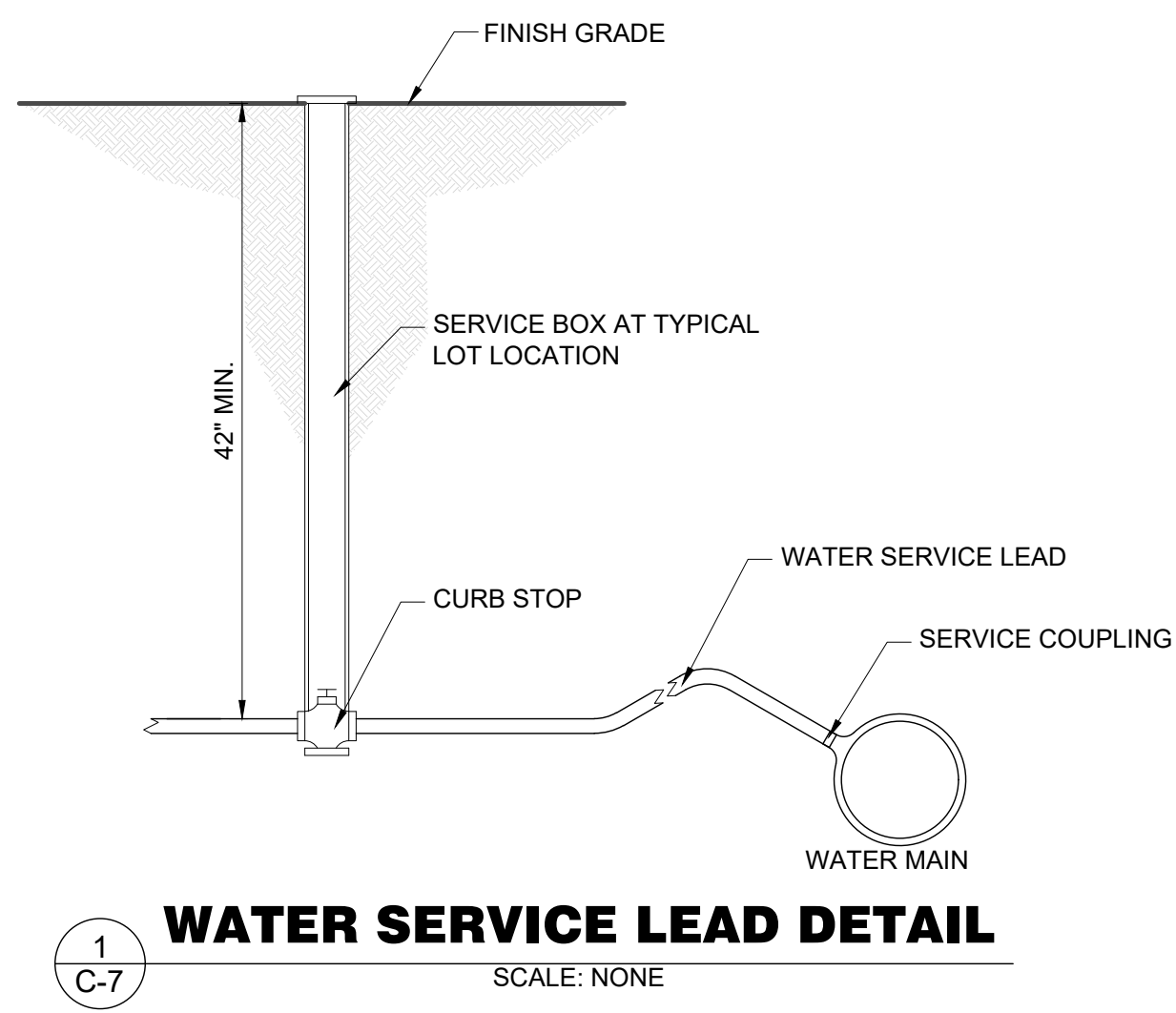
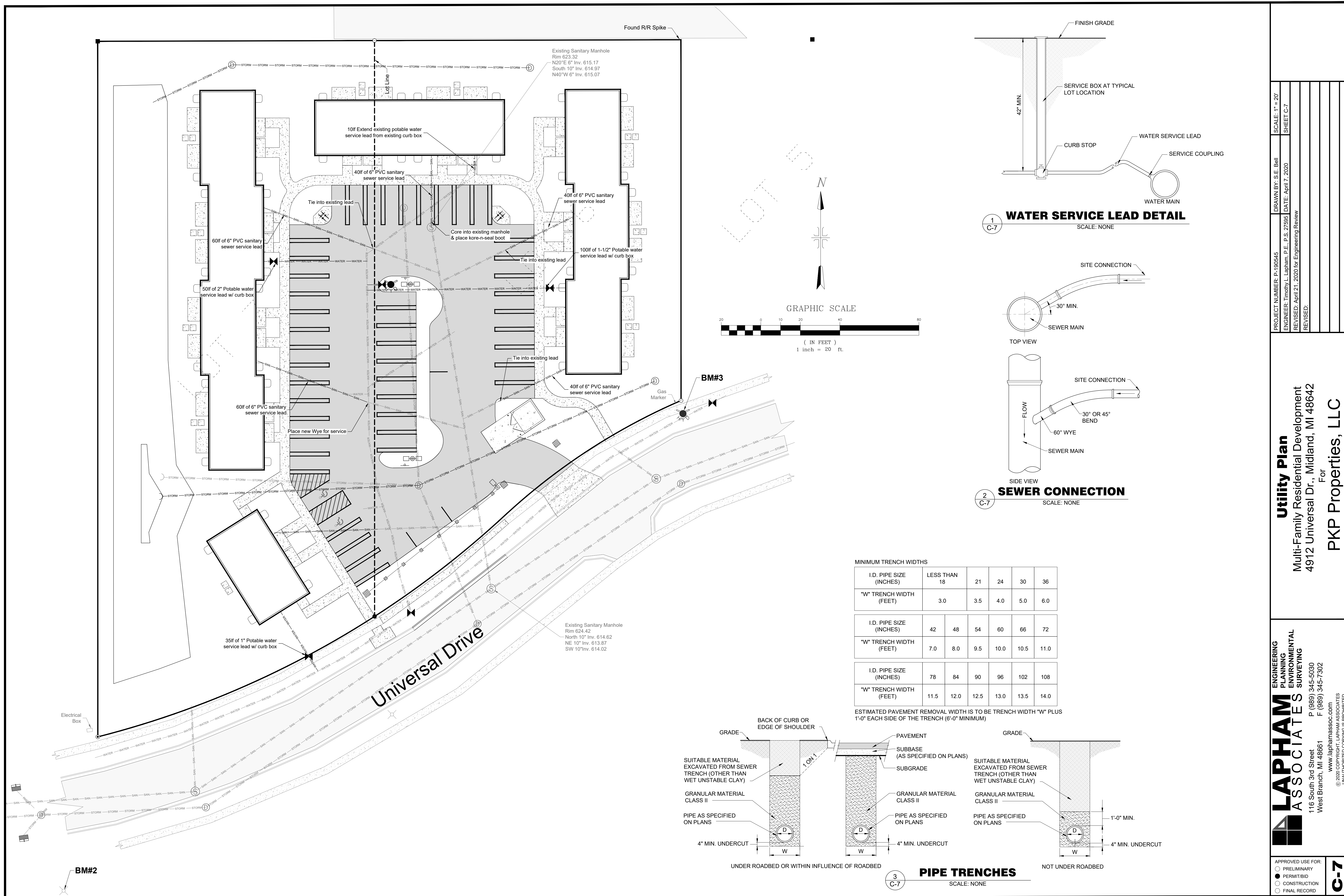
Site Details
Multi-Family Residential Development
4912 Universal Dr., Midland, MI 48642
For
PKP Properties, LLC

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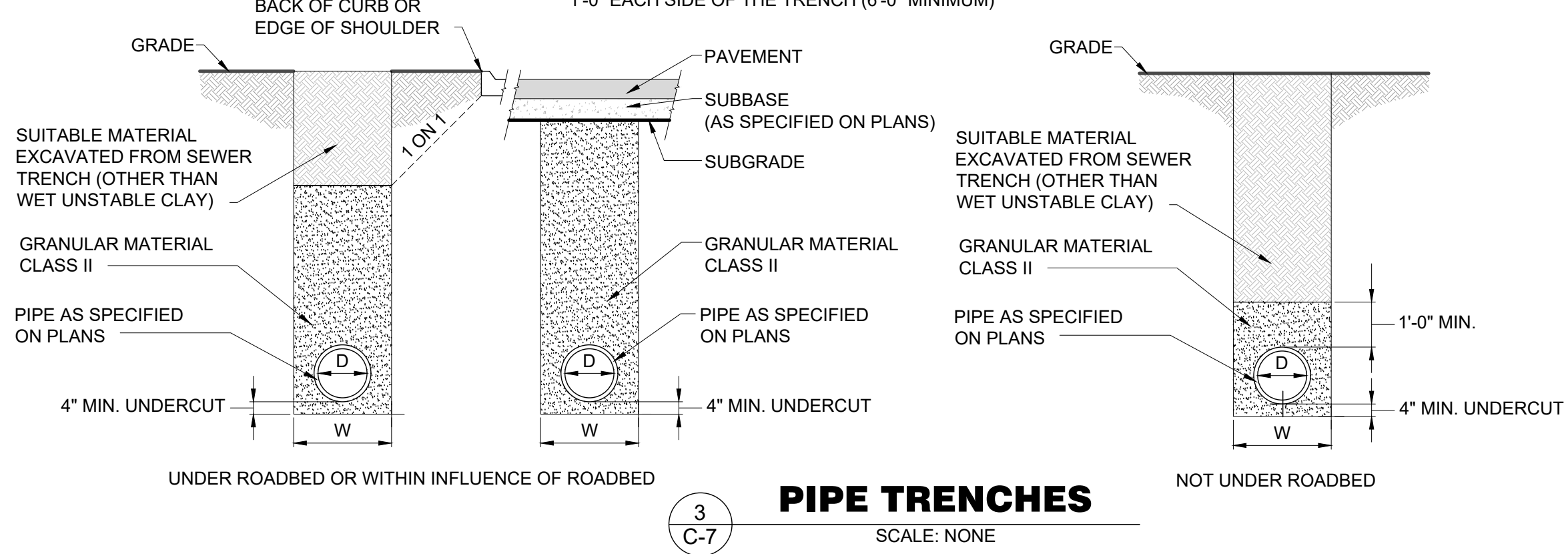
MINIMUM TRENCH WIDTHS

I.D. PIPE SIZE (INCHES)	LESS THAN 18	21	24	30	36
"W" TRENCH WIDTH (FEET)	3.0	3.5	4.0	5.0	6.0

I.D. PIPE SIZE (INCHES)	42	48	54	60	66	72
"W" TRENCH WIDTH (FEET)	7.0	8.0	9.5	10.0	10.5	11.0

I.D. PIPE SIZE (INCHES)	78	84	90	96	102	108
"W" TRENCH WIDTH (FEET)	11.5	12.0	12.5	13.0	13.5	14.0

ESTIMATED PAVEMENT REMOVAL WIDTH IS TO BE TRENCH WIDTH "W" PLUS 1'-0" EACH SIDE OF THE TRENCH (6'-0" MINIMUM)



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Utility Plan

Multi-Family Residential Development
4912 Universal Dr., Midland, MI 48642

For
PKP Properties, LLC

PROJECT NUMBER: P-190545

DRAWN BY: S.E. Bell

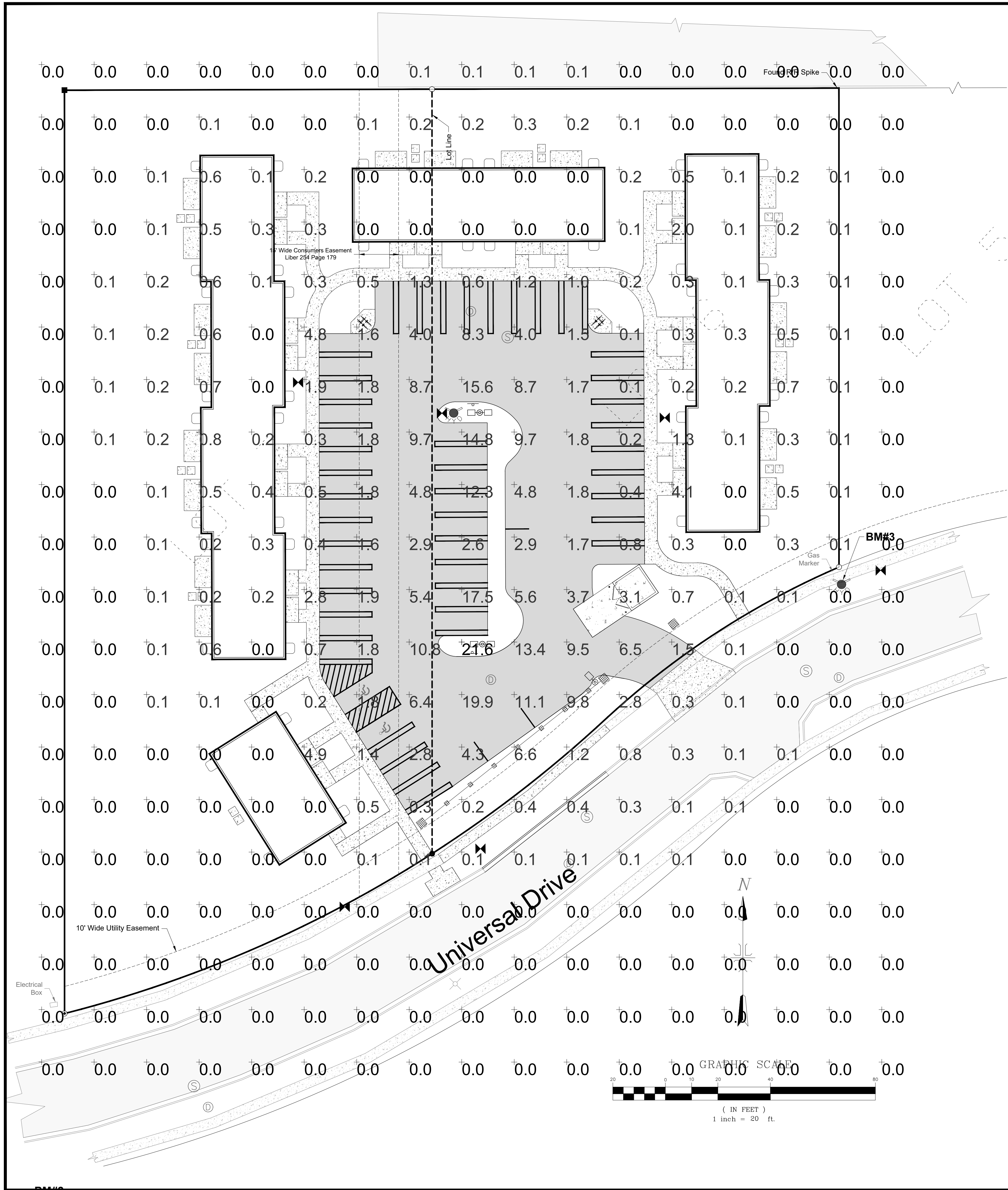
ENGINEER: Timothy L. Lapham, P.E., P.S. 27595

REVISOR: April 21, 2020 for Engineering Review

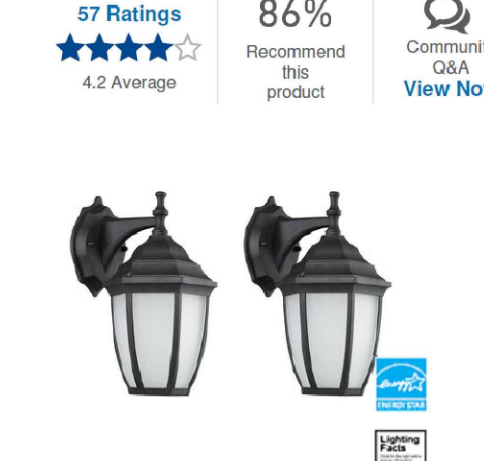
REVISION:

SCALE: 1" = 20'

SHEET C-7



Item # 727836 Model # WLL131SB
Portfolio 11.22-in H Sandy Black
LED Outdoor Wall Light ENERGY
STAR



EXCLUSIVE
\$7.99 Was \$9.99
SAVE 80% thru 03/07/2020

- Sandy black finish outdoor wall lights is classic and refined
- Frosted shades diffuse light beautifully
- Crafted from weather resistant materials for durability season after season

Low's Has You Covered
We're here to help with extended warranty protection, assembly, haul away and more. Add to cart to view availability.

Ships to Store FREE
Ready for pickup: Estimated 3 - 7 days

Shipping & Delivery
Ready for delivery: Estimated 3-7 days

Product Information

Description

This beautiful and practical 2 pk LED outdoor wall lights are crafted from the finest materials for long lasting weather resistance and durability. LED lighting provides years of maintenance free lighting. Energy Star® certified products help you save money on utility bills without sacrificing performance, style or comfort.

- Sandy black finish outdoor wall lights is classic and refined
- Frosted shades diffuse light beautifully
- Crafted from weather resistant materials for durability season after season
- Traditional lantern design is ideal for illuminating your entryway
- Integrated 11 watt LED is energy efficient and maintenance free
- Measures 11.22 H x 6.5 W x 7.52 D
- Energy Star® certified products help you save money on utility bills without sacrificing performance, style or comfort
- Hardware included for fast and easy installation

Specifications

Collection Name	N/A	Lumens (Lumens)	546
Type	Outdoor lantern	Glass Color	Frosted
Size	Large (larger than 9 inches)	Glass Style	Flat
Package Quantity	1	Style	Transitional
Bulb Type	LED	Dark Sky	X
Number of Bulbs Required	1	Hardware Included	✓
Bulb(s) Included	✓	Weather Resistant	✓
		Weatherproof	✓
		Weight (lbs.)	3.5
		ENERGY STAR Certified	✓
		Low's Exclusive	✓
		Warranty	5-year limited
		Safety Listing	UL safety listing
		UNSPSC	39111600
		Wattage	11
		Motion Sensor	X
Recommended Light Bulb Shape	LED		
Light Bulb Base Type	LED		
Power Source	Hardwired		
Material	Metal		
Fixture Height (Inches)	11.22		
Fixture Width (Inches)	6.5		
Fixture Depth (Inches)	7.52		
Manufacturer Color Finish	Sandy Black		
Fixture Color Family	Black		
Fixture Finish	N/A		
Wattage Equivalent	15		

DESCRIPTION

The Galleon™ LED luminaire delivers exceptional performance in a highly scalable, low-profile design. Patented, high-efficiency AccuLED Optics™ system provides uniform and energy conscious illumination to walkways, parking lots, roadways, building areas and security lighting applications. IP66 rated and UL/cUL Listed for wet locations.

Streetworks

Catalog #	Type
Project	
Comments	
Prepared by	



GAN GALLEON LED
1-10 Light Squares
Solid State LED
AREA / ROADWAY LUMINAIRE

SPECIFICATION FEATURES

Construction

Extruded aluminum driver enclosure thermally isolated from Light Squares for optimal thermal performance. Heavy wall, die-cast aluminum and caps enclose housing and die-cast aluminum heat sinks. A unique, patent pending interlocking housing and heat sink provides scalability with superior structural rigidity. 3G vibration tested and rated. Optional tool-free hardware available for ease of entry into electrical chamber. Housing is IP66 rated.

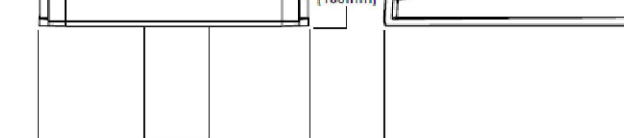
Optics

Patented, high-efficiency injection-molded AccuLED Optics technology. Optics are precisely designed to shape the distribution maximizing efficiency and application spacing. AccuLED Optics create consistent distributions with the scalability. Standard housing to meet customized application requirements. Offered standard in 4000K (40° CCT), 5000K (50° CCT), 6000K (60° CCT).

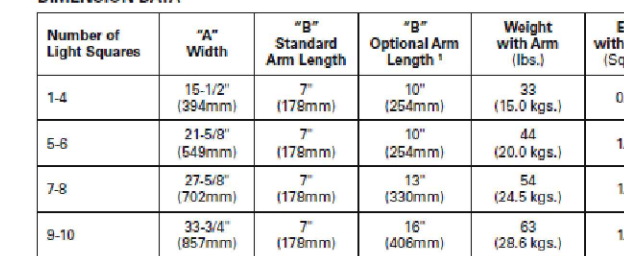
Electrical

LED drivers are mounted to

Dimensions



Drilling Pattern



NOTES: 1. Optional arm length to be used when mounting two fixtures at 90° on a single pole. 2. EPA calculated with optional arm length.

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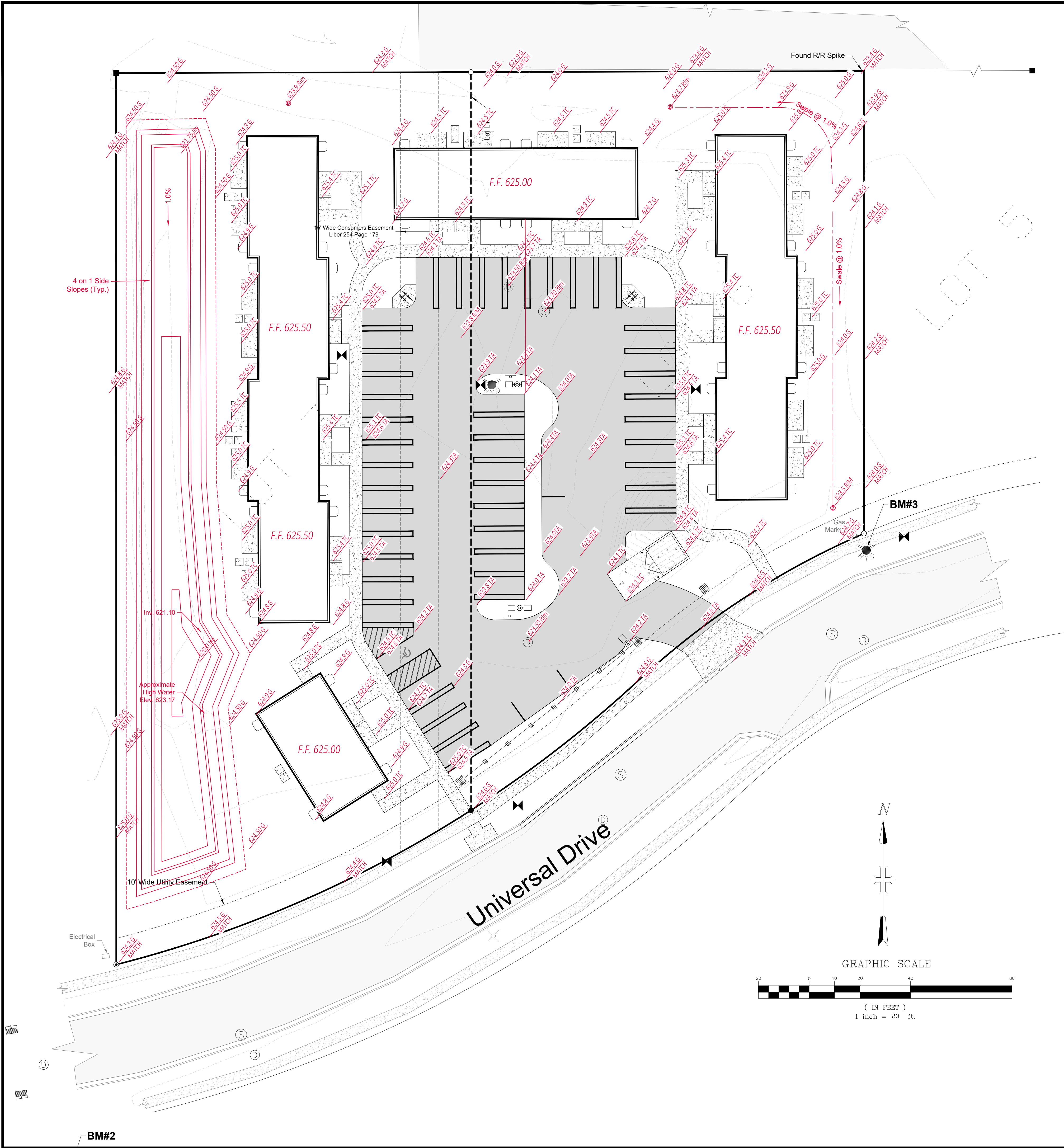
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ENERGY DATA



Grading Notes:

- The forms for concrete sidewalks, curbs, gutters, and driveways that are to be constructed to conform to existing roads shall be installed to the grades shown on these plans. Prior to placing concrete, the forms shall be inspected and approved by local jurisdiction for conformance to existing road improvements. Grades of new improvements are subject to field adjustment to fit conditions.
- The contractor shall be responsible for matching existing facilities to avoid any abrupt or apparent changes in grades or cross slopes, low spots, or hazardous conditions.
- All grading, back filling, excavation, etc., shall be in accordance with the specification or normal practice if not specified.
- Where unstable or unsuitable materials are encountered during subgrade preparation, the area in question shall be over excavated and replaced with engineered backfill material.
- If requested, a representative of the engineer shall be on the site during grading operations and shall observe the construction and identify any conditions that should be corrected and recommend corrective measures to the contractor.
- All grading, erosion, and sediment control and related work undertaken on this site shall be in accordance with local jurisdiction.
- The contractor shall not disturb any permanent survey points without the consent of local jurisdiction. Any points destroyed shall be replaced by a licensed surveyor at the contractor's expense.
- Grading at the boundaries shall be done so as not to obstruct the runoff of storm waters from adjacent properties.
- All disturbed areas shall be topsoiled, seeded, fertilized and mulched.
- Contractor to maintain all soil erosion control measures. Surrounding paved areas shall be power broomed as necessary to remove mud tracking from the site.
- Contractor shall obtain soil erosion permit prior to any construction.
- All structures, sidewalks, curbs and asphalt shall have a minimum of 12" of clean granular material (MDOT Class II) as a sub-base and compacted to 95% maximum unit density. If pumping or yielding is caused by the compactive efforts, the sand layer shall be increased until density can be obtained without pumping water through the subgrade.
- Temporary grading easements from property owners shall be obtained for grading off-site prior to working on adjacent properties.

Grading & Storm Water Notes:

- Roof Drains shall be connected to drain tiles and either discharge to swales or catch basins.
- All Grades subject to field adjustment.

LEGEND:

- | | |
|-----|-----------------------------|
| TP | - TOP OF PAVEMENT |
| TC | - TOP OF CONCRETE |
| BC | - BACK OF CURB |
| GP | - GUTTER PAN |
| FF | - FINISH FLOOR |
| G | - GROUND |
| RIM | - RIM ELEVATION |
| INV | - INVERT ELEVATION |
| | - ELEVATION AT LOCATION |
| | - DIRECTION OF SURFACE FLOW |

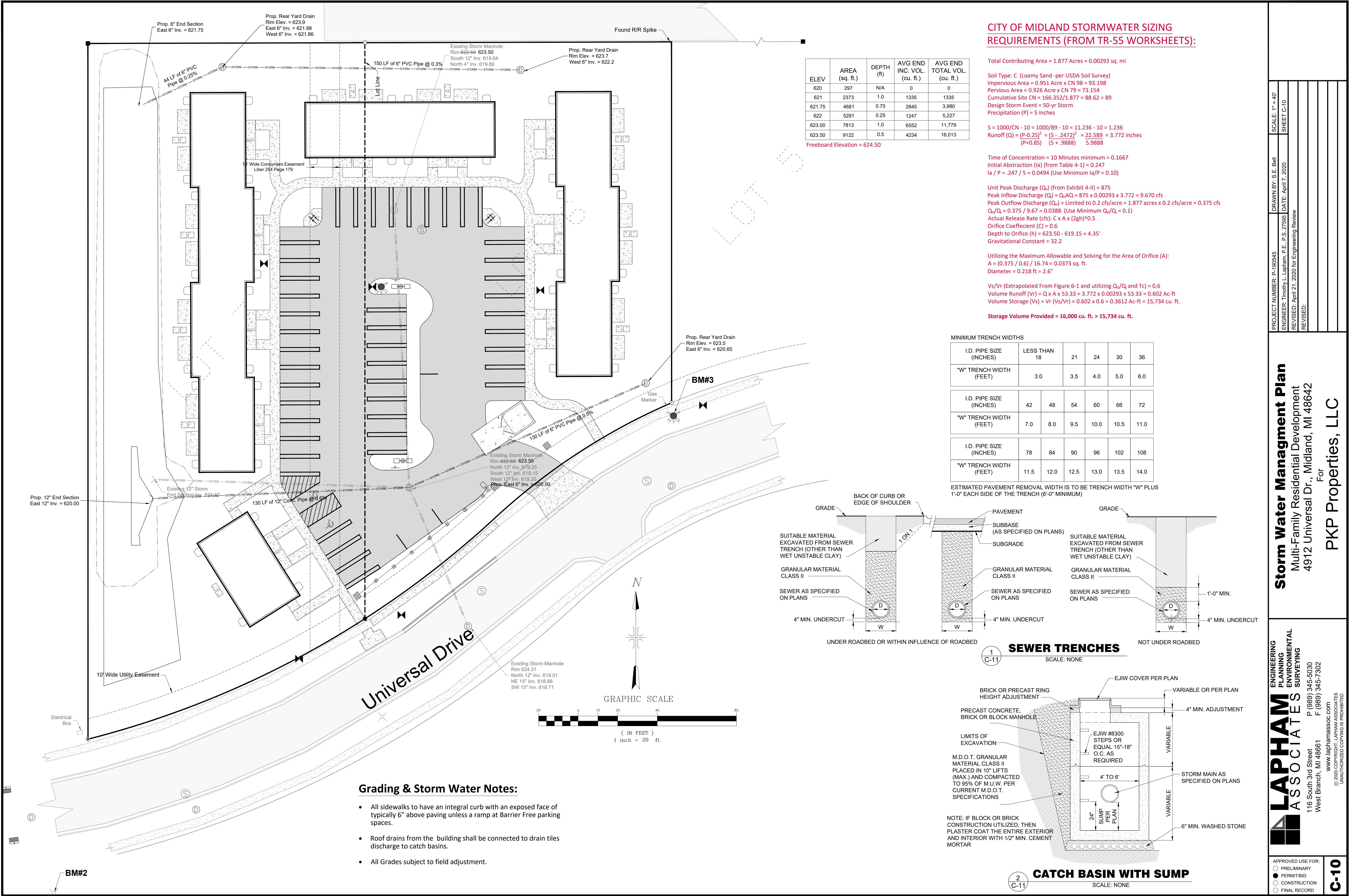
Grading Plan
Multi-Family Residential Development
4912 Universal Dr., Midland, MI 48642
For
PKP Properties, LLC

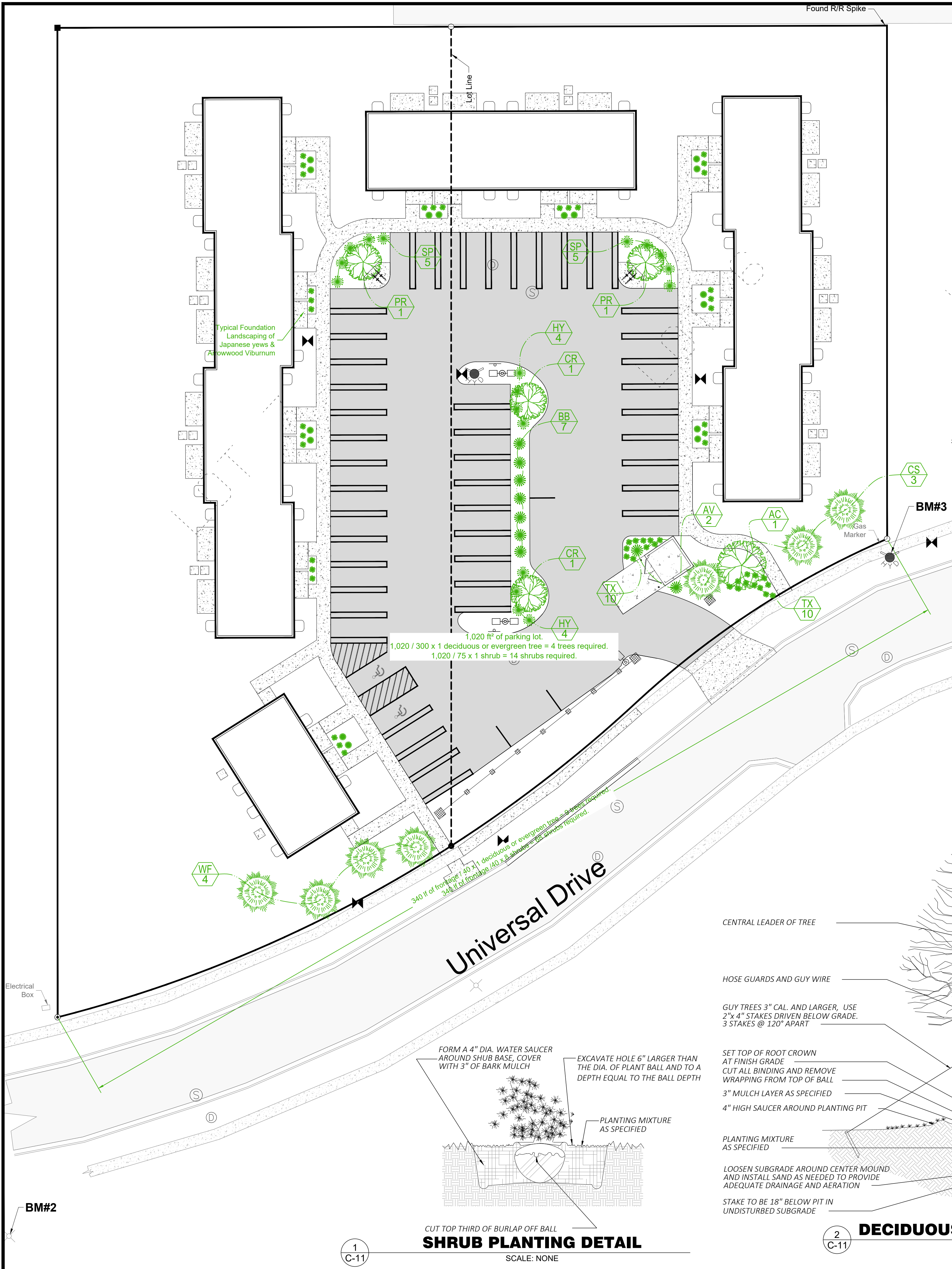
LAPHAM ASSOCIATES
ENGINEERING
PLANNING
ENVIRONMENTAL
SURVEYING
116 South 3rd Street
West Branch, MI 48661
P (989) 345-5030
F (989) 345-7302
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APPROVED USE FOR:
● PRELIMINARY
● PERMIT/BID
● CONSTRUCTION
● FINAL RECORD

C-9

PROJECT NUMBER: P-190545
ENGINEER: Timothy L. Lapham, P.E., P.S. 27595
REVISOR: April 21, 2020 for Engineering Review
REVISION:
DRAWN BY: S.E. Bell
DATE: April 7, 2020
SHEET C-9
SCALE: 1" = 40'





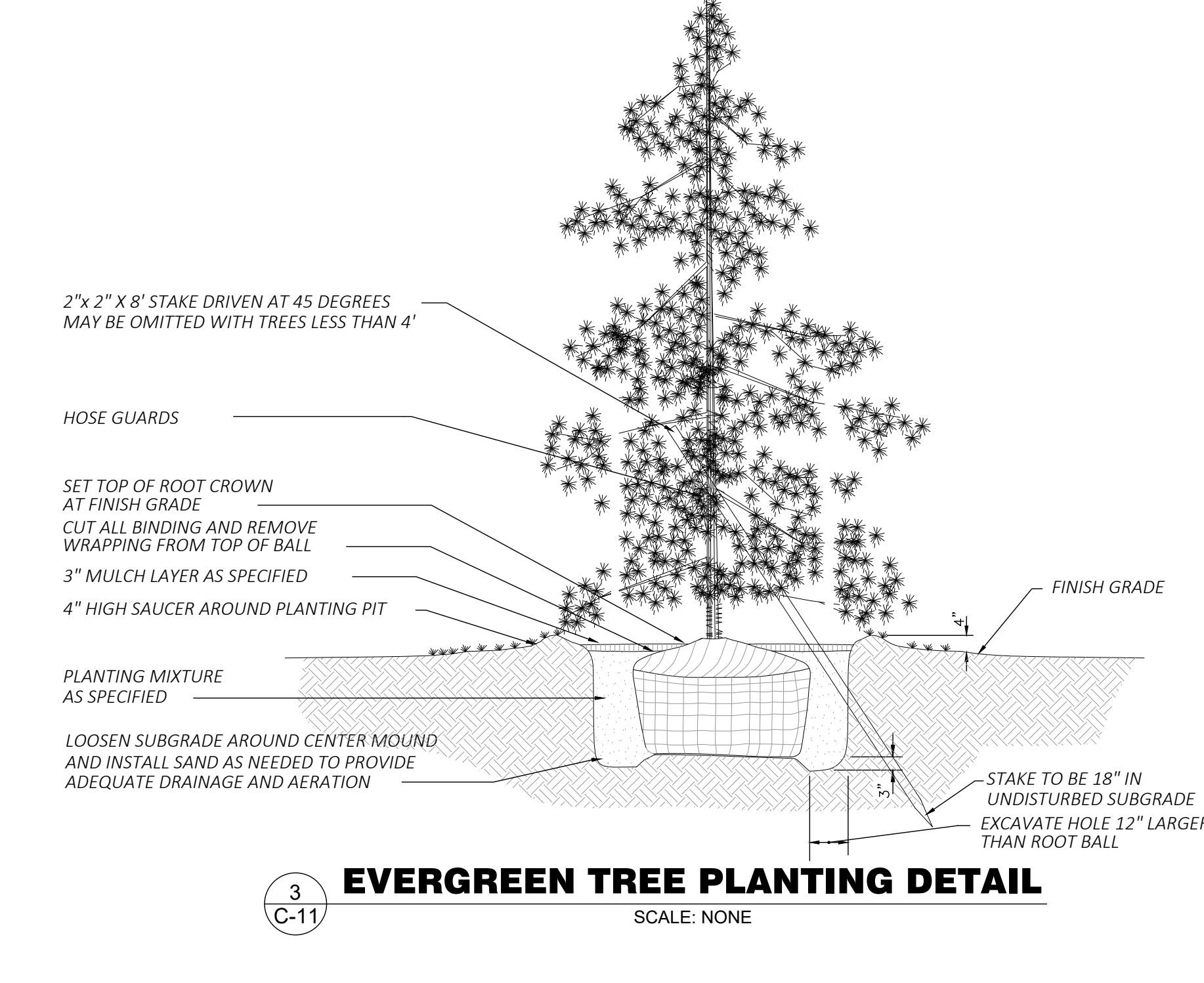
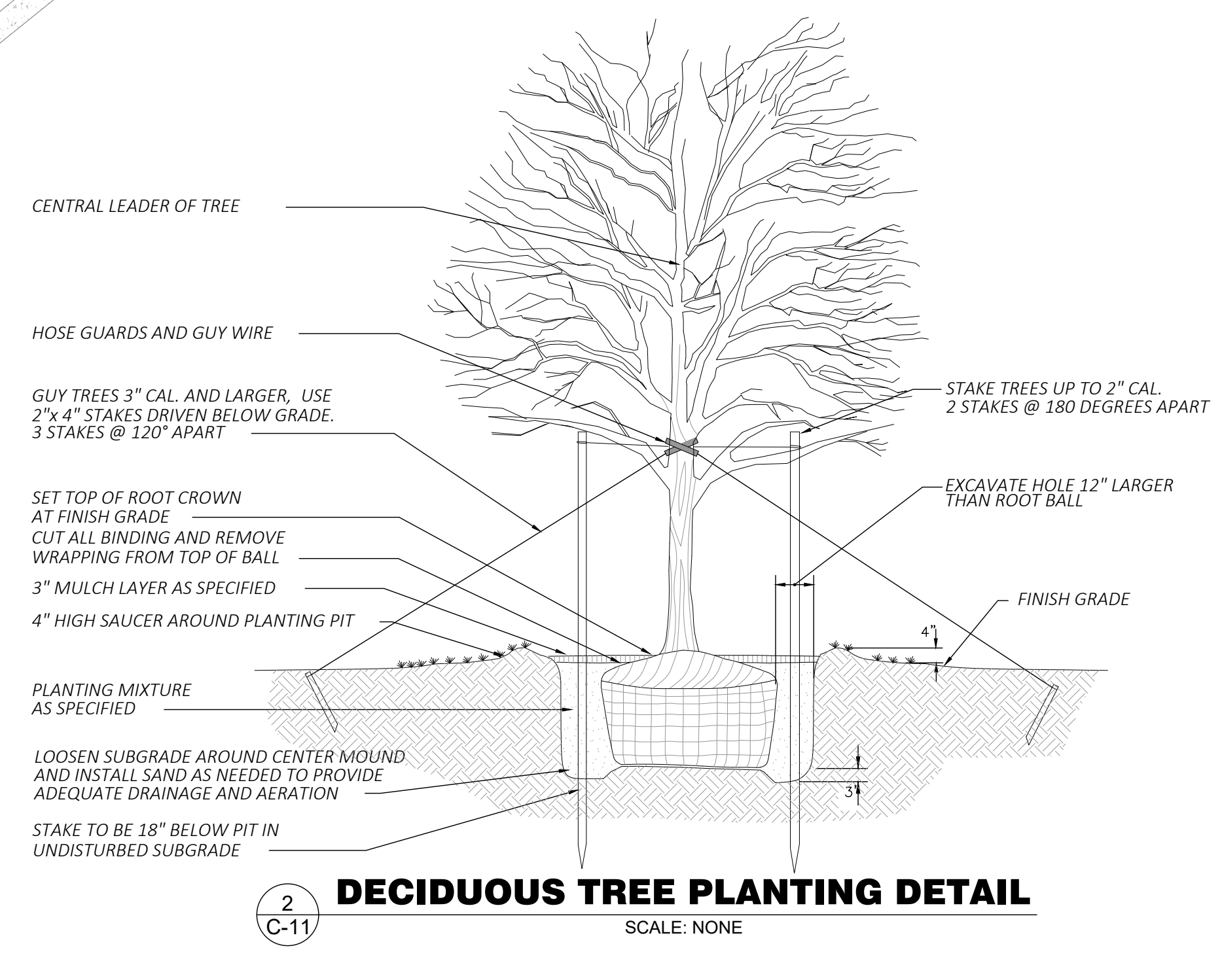
- ### Landscaping Notes:
1. Landscaping contractor shall verify the locations of all underground utilities prior to construction. Contact miss dig a minimum of 3 working days prior to commencing work. (800) 482-7171
 2. Landscaping contractor to confirm and provide all quantities and varieties of plants & other landscaping materials with bid. All plant substitutions shall be approved by the engineer.
 3. Precautions shall be taken to preserve existing vegetation as reasonably practical. New trees indicated on the drawing may be omitted if existing trees are located in a reasonable proximity to the indicated new locations. All existing trees to remain shall be of sound health.
 4. Landscape contractor shall finish grade and clean topsoil of large stones, branches, and debris, and fill and compact holes in seeded & sod areas. Grading contractor is responsible to replace topsoil and rough grade areas as necessary.
 5. All proposed lawn areas and other areas that were disturbed by construction shall receive a minimum of 4 inches of topsoil and a lawn seed mix base indicated.
 6. Landscape contractor shall fill plant beds with 6" of a planting soil mixture of 25% existing soil, 50% topsoil & 25% peat moss, with further amendments according to specifications.
 7. Planting shall be edged with 4" plastic or metal edging as indicated where necessary and staked in place every 2-4 feet.
 8. All plant and tree beds to be mulched with 3" of hardwood bark chips, except where indicated, all trees and shrubs to have positive drainage.
 9. The contractor will be responsible to replace all trees damaged by his negligence or actions. Prune all dead and broken branches from all plants immediately after installation.
 10. Required landscaping material shall satisfy American Assoc. of Nurserymen standards and be:
 - A. Nursery grown
 - B. State department of agriculture inspected
 - C. No. 1 grade with straight unscarred trunks and well developed uniform crown
 - D. Guaranteed for (1) year
 11. Contractor shall strip, save and replace the topsoil on the site. Soils need to be tested and amended as necessary.

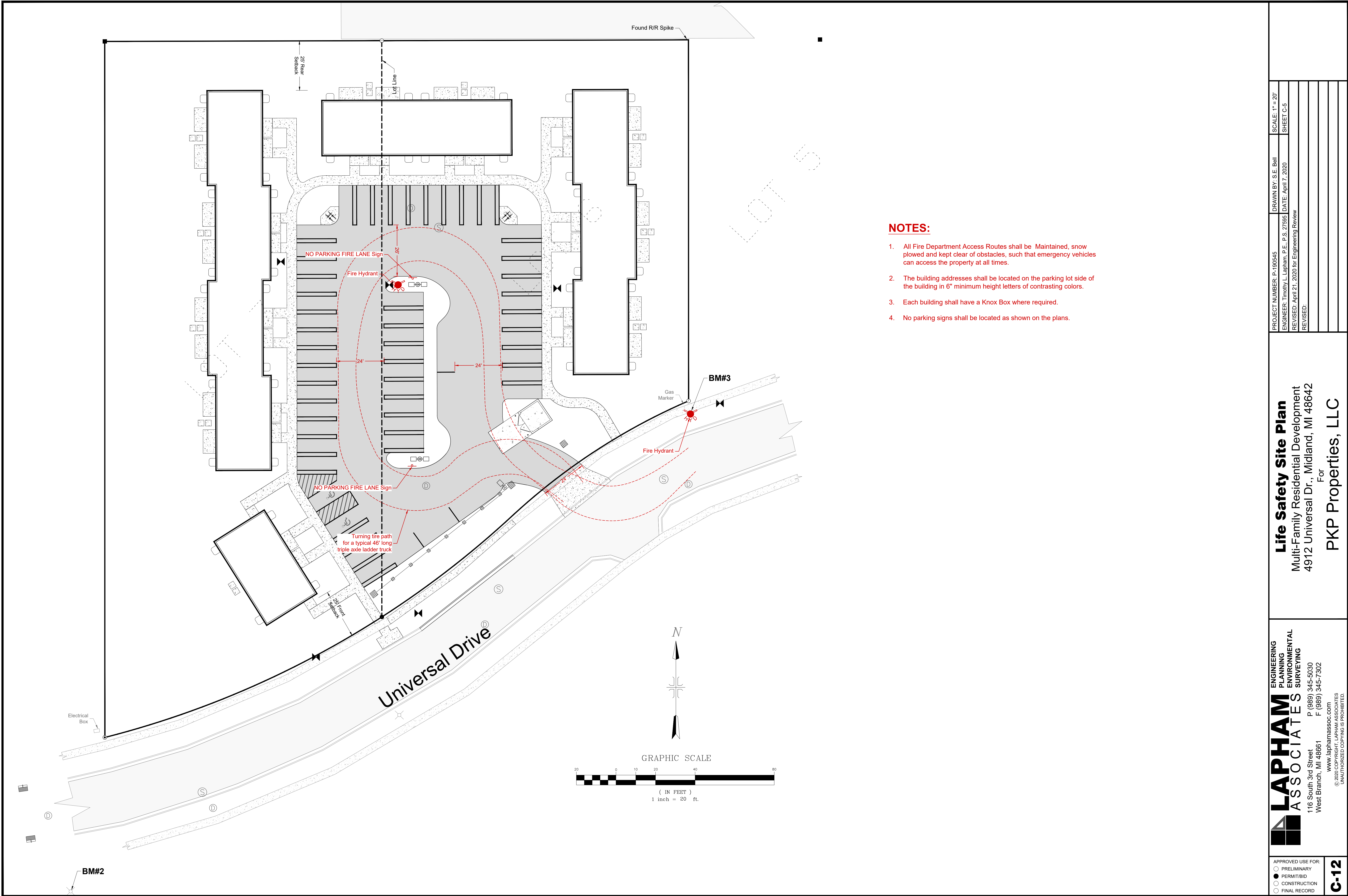
Area	Statutory Trees	Required	Proposed
General Site Landscaping	1 deciduous or evergreen tree per 3,000ft²	81,763ft²/3,000ft²= 27 trees¹	1 Amur Maple 3 Colorado Spruce 4 White Fir 2 Red Flowering Crab 2 Bradford Pear Total 12 trees proposed
Landscaping Adjacent to Roads	8 shrubs per 40 lf frontage 1 deciduous or evergreen tree per 40 lf frontage	340lf frontage/40=9 9x8 shrubs= 8 shrubs² 340lf frontage/40=9 9x1 tree= 9 trees³	1 Amur Maple 3 Colorado Spruce 4 White Fir Total 12 trees proposed
Green Belts	N/A	N/A	N/A
Parking Lot	20ft² per parking space 1 deciduous tree per 300 ft² 1 deciduous shrub per 75 ft²	51 Spaces x 20ft² = 1,020ft² 1,020ft²/300=4 trees 1,020ft²/75= 14 shrubs	Proposed parking island contains 1,115ft² with additional landscaped islands 2 Red Flowering Crab 2 Bradford Pear 10 Japanese Yews 8 Oakleaf Hydrangeas 10 Spirea 7 Burning Bush
Multiple Family Requirements	2 deciduous trees per dwelling unit 4 shrubs per dwelling unit	2 trees x 12 units = 44 trees¹ 4 shrubs x 22 units = 88 shrubs	1 Amur Maple 3 Colorado Spruce 4 White Fir 2 Red Flowering Crab 2 Bradford Pear Total 12 trees proposed 51 Japanese Yews 20 Arrowwood Viburnum 8 Oakleaf Hydrangeas 10 Spirea 7 Burning Bush Total 96 Shrubs proposed

¹ Reduction in total number of trees requested for existing trees that are proposed to remain around perimeter on site.
² Proposed decorative fence proposed in lieu of trees and shrubs in front yard adjacent to roadway.
³ Reduction requested for 1 tree justified by existing trees that will remain along the roadway.
⁴ Reduction in total number of trees requested for existing trees that are proposed to remain around perimeter on site.

Landscaping Schedule:

QUANTITY	SYM.	COMMON (BOTANICAL) NAME	SIZE
1	AC	Amur Maple(<i>Acer ginnala</i>)	2-1/2" Cal.
3	CS	Colorado Spruce (<i>Picea pungens</i>)	6' Height
4	WF	White Fir (<i>abies concolor</i>)	6' Height
2	CR	Red Flowering Crabapple(<i>Malus</i> sp.)	2-1/2" Cal.
2	PR	Bradford Pear (<i>Pyrus calleryana</i> 'Bradford')	2-1/2" Cal.
51	TX	Japanese Yew (<i>Taxus cuspidata</i> 'densa')	18-24" High
8	HY	Oakleaf Hydrangea (<i>Hydrangea 'quercifolia'</i>)	2-3' High
10	SP	Spirea (<i>Bumalda 'firelight' spirea</i>)	2-3' High
7	BB	Dwarf Burning Bush (<i>Euonymus alatus 'Compactus'</i>)	2-3' High
20	AV	Arrowwood Viburnum (<i>Viburnum dentatum</i>)	2-3' High



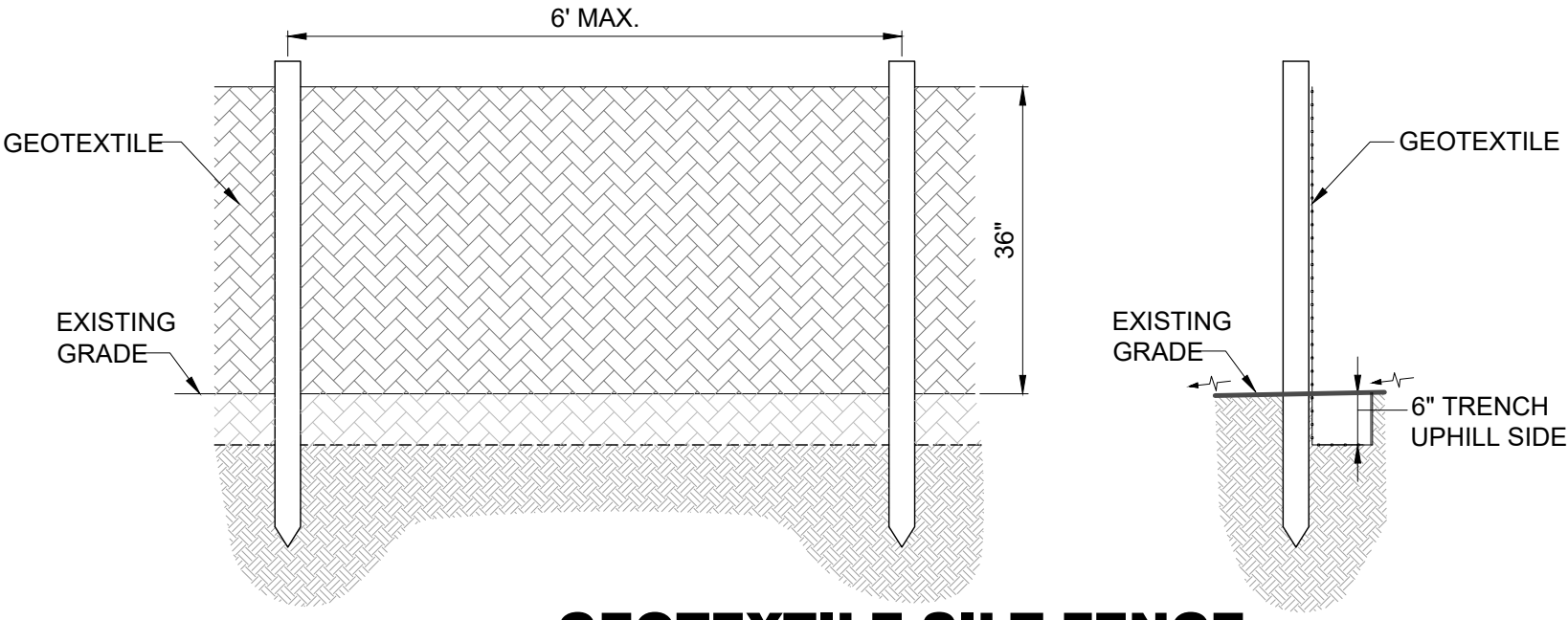


LAPHAM ASSOCIATES ENGINEERING PLANNING ENVIRONMENTAL SURVEYING 116 South 3rd Street West Branch, MI 48661 P (989) 345-5030 F (989) 345-7302 www.laphamassoc.com © 2020 COPYRIGHT, LAPHAM ASSOCIATES UNAUTHORIZED COPYING IS PROHIBITED.	Life Safety Site Plan Multi-Family Residential Development 4912 Universal Dr., Midland, MI 48642 For PKP Properties, LLC		PROJECT NUMBER: P-190545	DRAWN BY: S.E. Bell	SCALE: 1" = 20'
			ENGINEER: Timothy L. Lapham, P.E., P.S. 27595	DATE: April 7, 2020	SHEET C-5
			REVISED: April 21, 2020 for Engineering Review		
			REVISED:		
APPROVED USE FOR: ○ PRELIMINARY ● PERMIT/BID ○ CONSTRUCTION ○ FINAL RECORD		C-12			

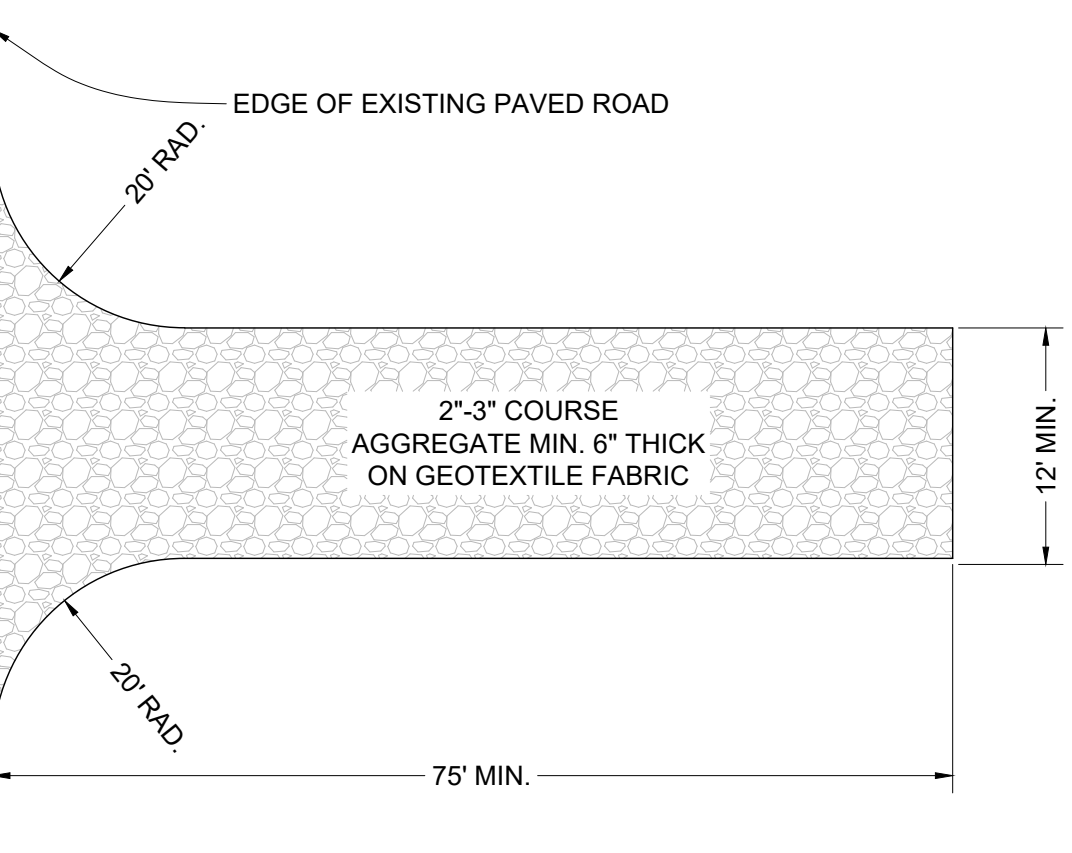
SESC Plan Notes:

1. This project shall be constructed in compliance with the Manistee County Soil Erosion and Sedimental Control ordinance, authorized under Part 91 of Act 451 of 1994, as amended, the Soil Erosion and Sedimentation Control Act.
2. All erosion and sedimentation control work shall conform to the standards and specifications of the local controlling jurisdiction.
3. Erosion and any sedimentation from work on this site shall be contained on the site and not allowed to collect on any off site areas or in waterways. Waterways include both natural and man made open ditches, streams, storm drains, lakes and ponds.
4. Staging the work will be done by the landowner or landowner's representative as directed in these plans and as required to ensure progressive stabilization of disturbed earth change.
5. The landowner or landowner's representative shall be responsible for installation and maintenance of soil erosion and sedimentation control devices.
6. The landowner or landowner's representative shall implement and maintain the soil erosion control measures as shown on the plans before and at all times during construction on this project. Any modifications or additions to soil erosion control measures due to construction or changed conditions shall be complied with as required or directed by the local jurisdiction.
7. If any of the SESC measures on the site are deemed inadequate or ineffective, the Manistee County Drain Commissioner's office has the right to require additional SESC measures at the expense of the landowner.
8. Contractor is clean the portions of roads adjacent to the project if dirt, debris or other material is being deposited on the roadway as needed. Adjacent roadway should be inspected at minimum once a day to determine if street sweeping is needed, and may be required multiple times a day, depending on vehicular traffic and debris.
9. During dry periods, all disturbed areas shall be watered for dust control.
10. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 5 calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after earth change activity ceases, temporary soil erosion control measures shall be implemented immediately. All temporary soil erosion control shall be maintained until permanent soil erosion control measures are implemented. All permanent soil erosion control measures will be implemented and established before a certificate of compliance is issued.
11. Final grade, establish vegetation and or landscape all disturbed areas not built or paved upon.
12. Dewatering is not anticipated during the life of this project. If dewatering should become necessary, the site will be dewatered into a well established vegetative buffer and in accordance with all other rules and regulations of the local jurisdiction. The contractor shall be responsible for obtaining any necessary permits for dewatering prior to discharge.
13. Remove all temporary soil erosion devices after permanent stabilization is established.
14. Area of disturbance approximately 6.5 acres.
15. All Silt Fence shall be 36" in accordance with Livingston County's requirements.

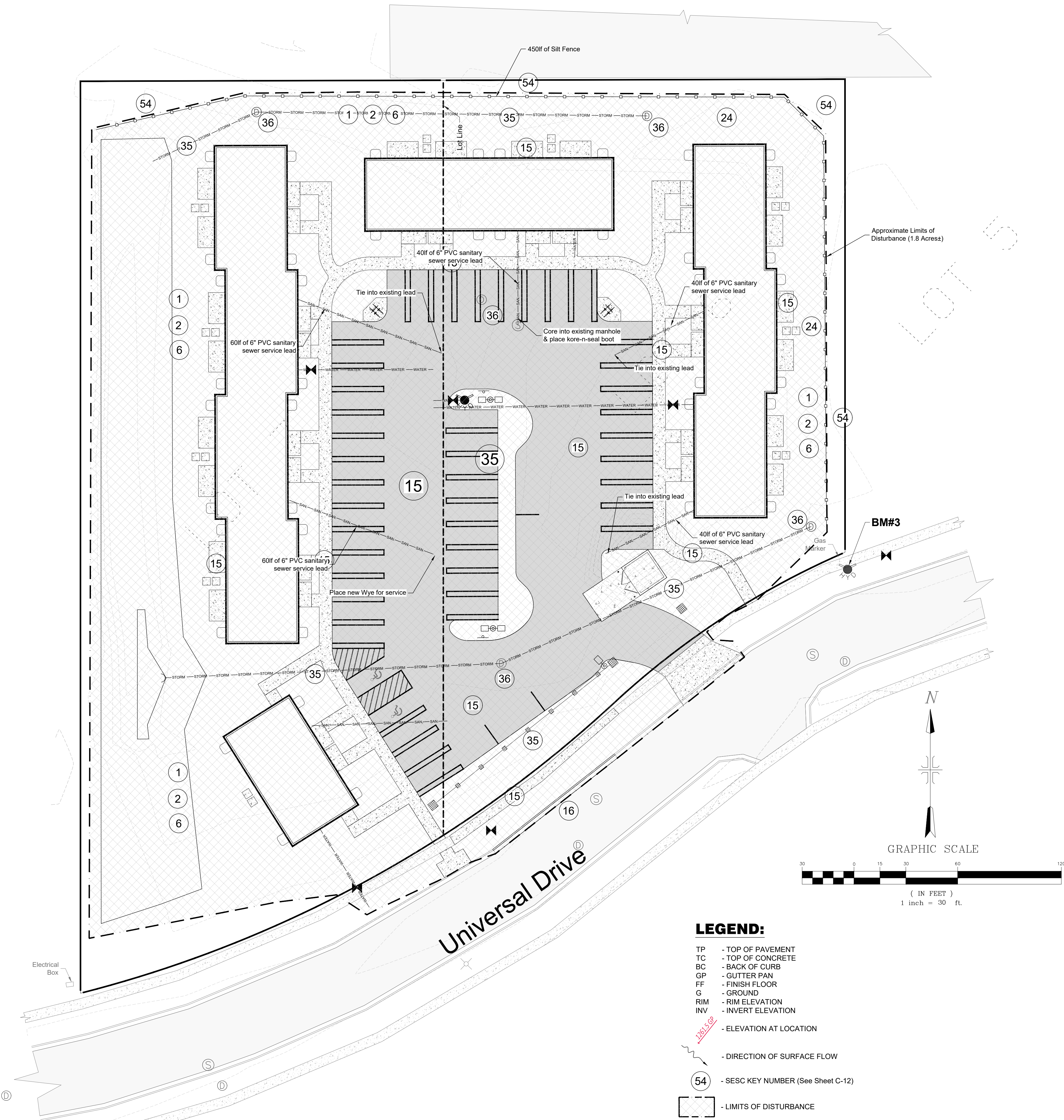
NOTE: SILT FENCE SHALL CONSIST OF FURNISHING, ERECTING, MAINTAINING, REMOVING, AND DISPOSING OF A SILT FENCE, CONSISTING OF A POST SUPPORTED GEOTEXTILE. INSTALLATION, INCLUDING PROPER ENTRENCHING, SHALL BE ACCOMPLISHED AS SPECIFIED OR APPROVED ACCORDING TO THE MANUFACTURER'S PUBLISHED RECOMMENDED PRACTICE. (CURRENT M.D.O.T. SPECIFICATIONS)



1 C-13 GEOTEXTILE SILT FENCE SCALE: NONE



2 C-13 GRAVEL CONSTRUCTION ENTRANCE SCALE: NONE



- LEGEND:**
- TP - TOP OF PAVEMENT
 - TC - TOP OF CONCRETE
 - BC - BACK OF CURB
 - GP - GUTTER PAN
 - FF - FINISH FLOOR
 - G - GROUND
 - RIM - RIM ELEVATION
 - INV - INVERT ELEVATION
 - 1261.5 GP - ELEVATION AT LOCATION
 - DIRECTION OF SURFACE FLOW
 - 54 - SESC KEY NUMBER (See Sheet C-12)
 - LIMITS OF DISTURBANCE

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LAPHAM ASSOCIATES

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○ CONSTRUCTION
○ FINAL RECORD

C-13

PROJECT NUMBER: P-190545
ENGINEER: Timothy L. Lapham, P.E., P.S. 27595
REVISED: April 21, 2020 for Engineering Review
REVISED:

DRAWN BY: S.E. Bell
DATE: April 7, 2020

SCALE: AS SHOWN
SHEET C-13

SESC Plan
Multi-Family Residential Development
4912 Universal Dr., Midland, MI 48642
For
PKP Properties, LLC

April 20, 2020

123

Attn: Grant Murschel · Director of Planning & Community Development

On behalf of the Raintree Condo Assoc., please submit this additional information to our existing packet.

Respectfully,



Robert Everett

RESCHEDULED - PUBLIC HEARING NOTICE

City of Midland

Due to the ongoing public health emergency relating to COVID-19, please take notice that public hearing scheduled for the Midland City Planning Commission for Site Plan No. 399 has been postponed. Site Plan No. 399 is the request by PKP Properties, LLC for site plan review and approval of a 22 unit multiple-family residential development, totally 50,688 square foot, located at 4908 and 4912 Universal Drive.

Said hearing is now scheduled to take place on **Tuesday, April 14, 2020 at 7:00 p.m.** in Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, as required by Article 27, Section 27.03 of Ordinance No. 1585.

A copy of the site plan may be reviewed at the Planning Department, City Hall. If you have any questions, contact the Planning Department at 837-3374.

Midland City Planning Commission



Grant Murschel
Director of Planning & Community Development

SP #399 | Danbury Place Townhomes

> 4908 & 4912 Universal Drive



125

ar Steve Arnosky,

I am a representative of the 34 homeowners at the Raintree Condominiums (est. in 1988) in regards to the proposed construction of student housing adjacent to our retirement community. The following concerns express our issue with this development.

... The 22 unit "multi-family town homes" notice that some of us received was unfairly represented. During the virtual hearing on Tuesday, April 14th, it was revealed by Mr. Pnacek, developer of PKP Properties, that the property is designated to house students and not individual families as indicated by the correspondence sent in the original notice.

... Because the hearing was rescheduled in a virtual format, residents here were not informed of the public hearing change. Many have expressed concerns that their voices were not heard.

... The population of students represents significant increase in noise, security, privacy, and traffic issues. With this housing complex to serve 22 units with the potential for 88 students (and 88 vehicles), we will be severely impacted by the mass increase in population adjacent to us.

... This area already has a large number of rental units/apartments. There has been a history of noise complaints and mass gatherings from the transient student population at these locations. With this proposed development, the burden of the additional seasonal renters will inflict a negative living environment to our senior community.

I appeal to you on a personal level, "Would you want this student complex built next door to YOU?"

The Raintree Condominium home owners are organizing a petition to present to the City Counsel in hopes that their unified voice will be heard and concerns will be addressed with professional consideration.

Respectively,
Robert Everett
989.980.8778

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City of Midland

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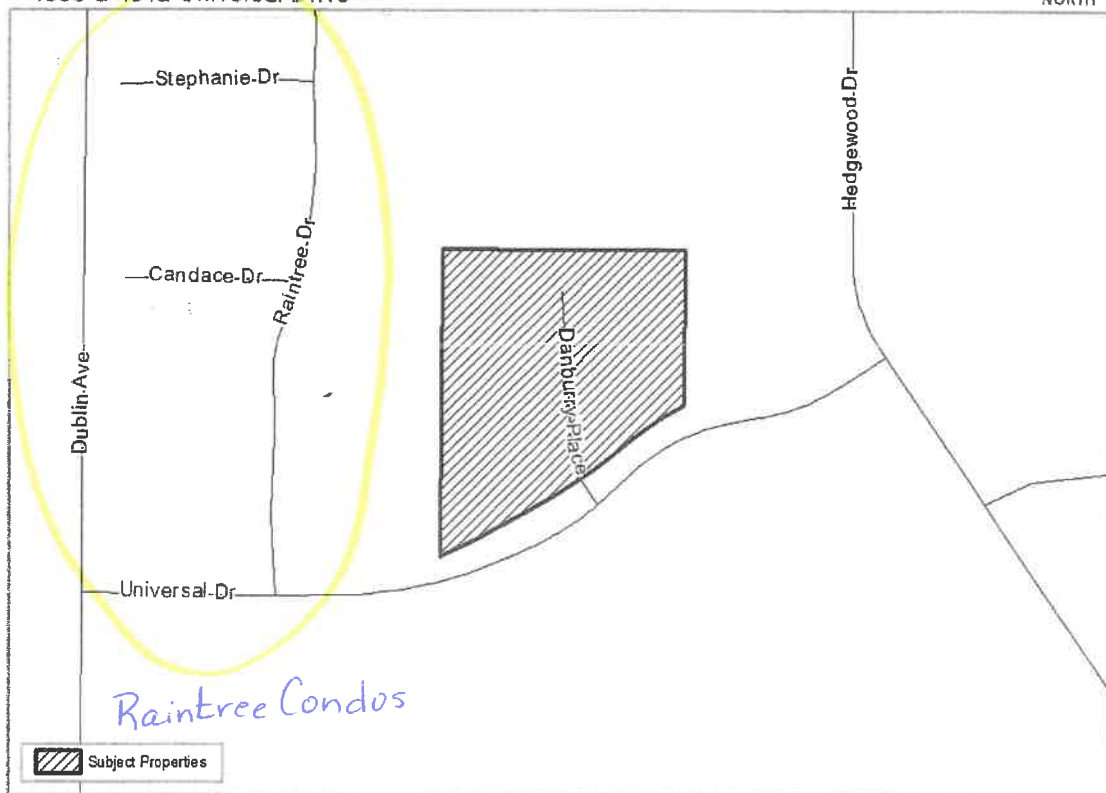
Midland City Planning Commission



Grant Murschel
Director of Planning & Community Development

SP #399 | Danbury Place Townhomes

> 4908 & 4912 Universal Drive



PETITION

We, the undersigned oppose the development of Danbury Place, a 22 unit student housing complex on Universal Drive. We petition the City of Midland Councilmen to reconsider the proposal SP#399.

Attn: Councilman Steve Arnosky - Ward 3

April 22, 2020

Name	Address	Signature
Robert J. Everett	5130 RAINTREE DR	Robert J. Everett
CAROL SANFORD	5012 RAINTREE DR.	Carol Sanford
HyLiss Pauling	5009 STEPHANIE	HyLiss Pauling
Bob Miller	5009 STEPHANIE	Bob Miller
CHERYL KING	5005 STEPHANIE DRIVE	Cheryl King
LINDA LACROSS	5001 "	Linda Lacross
Richard Lacross	5001 STEPHANIE DR	Richard Lacross
John McMillan	5012 CANDACE DR	John McMillan
Rosemary DeBay	5012 Candace Dr.	Rosemary DeBay
Gloria Dole	5012 Universal DR	Gloria Dole
DWIGHT T. LEWIS JR	5004 RAINTREE DR.	Dwight T. Lewis Jr
MARTHA A. MYERS	5110 RAINTREE DR	Martha A. Myers
DUSTY A. AFTAIR	5003 RainTree	Dusty A. Aftair
FRANCES STAFFORD	5001 RAINTREE	Frances M. Stafford
Shirley Brown	5006 STEPHANIE	Shirley Brown
Marilyn Shearer	5118 Raintree	Marilyn Shearer
LETITIA SCHREIBER	5006 RAINTREE	Letitia Schreiber

PETITION

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Attn: Councilman Steve Arnosky - Ward 3

April 22, 2020

Name	Address	Signature
PETE SHIRA	5009 RAINTREE	Pete Shira
Tudy Shira	5009 Raintree	Tudy Shira
Jandra Burgess	5004 Candace	Jandra Burgess
Ellison Morse	5006 Candace	Ellison Morse
ANN M. POMRANKY	5106 RAINTREE DR.	Ann M. Pomranky
LEONA BEECH	5008 UNIVERSAL DR	Leona Beech
Mary Lou Sperry	5010 Universal Dr.	Mary Lou Sperry
RON EGEDAHL	5015 CANDACE DR	Ron Egedahl
John Shira	5009 Raintree	John Shira
Steve Howell	5006 Universal	by Proxy [Signature]
Donna Howell	5006 Universal	by Proxy [Signature]
Jennifer Nosakowski	5120 Raintree Dr.	Jennifer Nosakowski
Doreen Toner	5008 Raintree Dr	Doreen Toner
June Toner	5008 Raintree Dr	June Toner
Kathy Fischer	5014 Raintree Dr.	by Proxy [Signature]
Robert E. Kueppen	5010 Raintree Dr.	Robert E. Kueppen
Michael Haffner	5002 Stephanie Dr	Michael C. Haffner

Good evening. I am Cheri King, 5005 Stephanie Drive. I live in Raintree Condominiums, which is about the west edge of the property of Site Plan #399.

As you have read, we did bring our concerns to the Planning Commission on April 14, 2020. However, after further studying Site Plan #399 we have reason to believe that the plan should not be approved tonight as presented. Our study shows two major issues: (1) overcrowding and parking, and (2) traffic and safety. These issues are inter-related due to the location of the property.

1. Overcrowding – Site Plan #399 was first mailed to us with the title SP #399 / Danbury Place Townhouses. If one looks carefully at page A1.0 of the site plan, we see that each unit (except the handicapped units whose individual layouts were not presented) is a three story unit.

The main floor of each unit contains a kitchen, living, dining and ½ bath space. The basement level contains two bedrooms, desk space, 2 full baths, utility and laundry space. The second floor of each contains two bedrooms and two full baths. In summary, each unit contains four bedrooms, 4-1/2 baths plus general living space.

Indeed, at the Planning Commission, we first heard that these so-called townhouses were student housing. Having studied the plans further it became obvious that “townhouse” became a bit of a deceptive name for “cluster dormitories”. Quite luxurious, it seems.

According to the plan there are 22 units. At least twenty of them can house four students each. Also, the two handicap units will house an unknown number. That means theoretically 82-88 students plus their cars could occupy a plan that provides for only 51 parking spaces.

Assuming full occupancy, where is there room for 30 more cars? The site is only about 2-1/2 acres

The American Legion Post is private property as are all of the Raintree streets. There is no overnight parking allowed on city streets. Too many units for too many students with too many cars, it seems to us, is overcrowding for the space allotted and the area of the city.

That brings us to the second set of issues:

- 2 Traffic and Safety – Eighty or more cars entering and exiting to and from Hedgewood, Saginaw Road and Dublin Avenue could also present a traffic nightmare with impatience, short tempers and taking chances, the norm of driving behavior.

Think first of Universal Drive, little more than a block long. It has eleven entrances in that short space on an s-curve street. Five of these entrances are “back out” entrances. Getting to Northwood University normally requires a right turn onto Universal, and left turns onto Dublin and Saginaw Road, or left turn onto Universal, right onto Hedgewood and left onto Saginaw Road. Human nature does not seem to like waiting for traffic lights to change and therefore, most would likely try to enter Saginaw Road from Hedgewood. We can envision long back-ups there and even at the Universal/Dublin intersection and Dublin/Saginaw intersection. This could be a possible nightmare, especially in the morning hours.

In addition, there are five commercial enterprises in the area: Colonial Villa, Medilodge, and three medical offices.

There is another issue during the school year. The intersection of Universal and Hedgewood is a school bus stop. We can see serious safety issues as cars pull out of Universal Drive and other apartment's exits on both sides of Hedgewood north of Universal Drive.

The City of Midland is working mightily to relieve street congestion in other areas. Are we working just as diligently and carefully to prevent another one here?

We realize that PKP Properties and their affiliates would like immediate approval so that construction may begin. But will too much haste make headaches we don't want?

We urge City Council to require a much closer re-examination, perhaps even a traffic study, prior to giving its approval. This examination should include every possible adjustment regarding density, safety, and even asking whether this location is the right place for student housing.

Thank you for allowing us to voice our concerns.

From: Kathy Burwick <ilakat52@gmail.com>
Sent: Wednesday, April 29, 2020 3:26 PM
To: Arnosky, Steve; Murschel, Grant
Subject: Fwd: Raintree/Townhouses

Sent from my iPhone

Begin forwarded message:

From: Kathy Burwick <ilakat52@gmail.com>
Date: April 29, 2020 at 3:02:12 PM EDT
To: robbieev@icloud.com
Subject: Raintree/Townhouses

Hello Mr Arnosky,

I'm writing to you because of the council meeting this last Monday night. I just rewatched the meeting this afternoon. It is clearly stated that each unit would have it's own kitchen and be like a separate apartment. I myself and everyone that has made it back from vacations have seen the schematics of the complex. They do not have separate kitchens as we and you were told Monday night. The schematics show laundry in the basement along with 2 units with bathrooms and desks. The main floor is the community kitchen and living area. The top floor is another 2 units with their own bathrooms and desks.

To me it sounds like a dorm I'm sure you would agree if you saw the schematics.

I'm the one who expressed that I had just bought 5000 Universal Dr which is next to the future buildings. 22 units and 4 spots inside each unit comes to 88 needing parking in a 51 spot parking lot.

Thank you so much for taking the time to read this and thank you for pushing it back to the Planning Committee

Kathleen Burwick

5000 Universal Drs.

Sent from my iPhone

From: Kaye, Brad
Sent: Thursday, April 30, 2020 4:39 PM
To: Murschel, Grant
Subject: FW: Resolution: Opposition Site Plan No. 399

Grant,

For inclusion in the PC agenda re SP #399.

C. Bradley Kaye, AICP CFM
City Manager
City of Midland

From: Donker, Maureen
Sent: Thursday, April 30, 2020 3:11 PM
To: Kaye, Brad
Subject: FW: Resolution: Opposition Site Plan No. 399

FYI

From: Jennifer Nosakowski [jnosakows@yahoo.com]
Sent: Monday, April 27, 2020 9:02 PM
To: Donker, Maureen
Subject: Resolution: Opposition Site Plan No. 399

Dear Mayor Donker,

My name is Jennifer Nosakowski, I am a resident at 5126 Raintree Drive, Midland. I was in attendance of the virtual City Council meeting to respectfully oppose the Resolution #11 for April 27th, 2020 regarding: "Site Plan No. 399- initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive".

As an adjacent condominium owner, I oppose this resolution due to the existing oversaturation of multi-family homes and rental properties in this small area of the city. In addition, I have concerns about the removal of the wooded lot to develop this property will destroy the character of the community and that the existing property values nearby will be driven down buy this development.

Thank you for your consideration.
Jennifer Nosakowski

(989)330-4313
jnosakows@yahoo.com

From: kathy fischer <fischer.kathy@att.net>
Sent: Friday, May 01, 2020 7:27 PM
To: Murschel, Grant
Subject: New construction concerns

Grant I am Kathy Fischer currently own 5015 Raintree Dr in Midland and I have concerns about traffic on Universal already, we already have intensive traffic who are mostly students. Our residents are mostly elderly and we enjoy our privacy from the lot behind me. If the city builds more student housing it's going to be very disruptive especially to Raintree residents. I am not in favor of this new building going up, just seems with all the empty buildings in Midland it seems like those would ideal building sites. Thank you

[Sent from AT&T Yahoo Mail on Android](#)

From: glenn f sanford <2sanfords2@gmail.com>
Sent: Friday, May 01, 2020 8:07 PM
To: Murschel, Grant
Subject: The Proposed Building Project on Universal

May 1, 2020

Dear Mr. Murschel:

In two other emails, I am sending you photos that further indicate concerns we at Raintree Condominiums have with the proposed improved drain between our property and the building project. The photo of Raintree Drive 5012's backyard shows water that collected due to a gentle rain on the night of April 28, 2020, a rain that continued throughout April 29. The far edge (eastern) of this "pond" is about twenty feet from the drain and the property line.

The photo of Raintree Drive 5008's backyard shows water collected at the same time as described above. The condo you see in this photo is the back side of Universal 5000, which is the condo that is closest to the property line (and was sold to a person who was not told of the building project).

Both of these low spots collect water when there is moderate to heavy rain, but for the first time, on the morning of April 29, 2020, I saw these surprising amounts after a gentle albeit all night rain. In the 2017 flood, my crawl space (5012 Raintree) took in some water because the ground was saturated.

I understand that the drain will be greatly improved, but it can be assumed that the project on Universal will require a huge quantity of concrete in a relatively small area. This may well have a negative effect on our condo properties and could result in loss of property values. It can be assumed that a large amount of the poured concrete will be for parking, but fifty-one spots will surely be inadequate for a potential of 88 cars. I taught at Northwood and can say without pause that almost all Northwood students who are allowed to have cars, have cars. To see what inadequate student parking looks like, check out the two Hedgewood Drive student houses next to (south of) the American Legion. (It was suggested by someone at the City Council meeting that young professionals may want to live in the proposed buildings; but young professionals, and certainly none starting a family, would care to live in a student housing setting let alone this one specifically designed for students.

I also envision a big increase in the number of cars on Universal as a traffic problem at certain times of day. Consider that neighborhood this is a small but densely populated area of Midland:

On Universal Drive, Raintree Condominiums, Colonial Villa, The Pines of Midland, and unnamed residential multiple-apartment buildings;

On Hedgewood Drive: three medical services buildings; Medilodge nursing home, Hedgewood Place Apartments, Woodland Place, the American Legion, and Northwind Forest. Woodland Place and Northwind Forest are huge complexes! The small lot on which the proposed four two-story buildings are to be built has been the one little breathing space our neighborhood has had.

Thank you for reading this letter and viewing the two photos sent separately.

Carol L. Sanford
5012 Raintree Drive
Midland, MI 46440



Murschel, Grant

From: Gloria Dole <gloria.dole@att.net>
Sent: Friday, May 01, 2020 2:55 PM
To: Murschel, Grant
Subject: [senderbase] Site Plan #399 Danbury Place Development

I am one of the 34 homeowners at Raintree Condominiums. I live at 5012 Universal Drive. We don't need anymore traffic on Universal. I have enough trouble getting in and out of my driveway without a potential of 88 more cars. I am completely against this development. Please do not approve this.

Gloria Dole

5012 Universal Drive

Midland, Mi 48640

From: Letitia Scribner <letitiascribner@sbcglobal.net>
Sent: Saturday, May 02, 2020 10:30 AM
To: Murschel, Grant
Subject: Site Plan #399

Mr. Murschel:

I have been a condo owner/resident of Raintree Condominiums for eighteen years. In all that time it's been a stable area to live in, considering all the condos/apartments in the area. Even the American Legion has created no problems.

I realize it's a choice area for the project planned. I have no problem with it being developed. I do have a problem with the density being considered for such a small area. This has never been considered a flood area and yet in the flood a few years ago Dublin flooded beyond Universal and our storm water pools flooded well into our yards. Adding so many apartments/people to the area can only create more problems.

The landscaping plans, without fencing between the apartments and the condominiums, would not be adequate. In the winter months that area is wide open.

I appreciate the opportunity to address this project and ask that the Planning Committee reconsider Project #399.

Letitia Scribner
5000 Raintree Drive
Midland, MI 48640
(989) 837-9736

From: Shirley Brown <sabrown38@gmail.com>
Sent: Saturday, May 02, 2020 5:22 PM
To: Murschel, Grant
Subject: Universal Drive proposal

We are a condo association of mostly elderly owners who have lived here for many years. I moved here in about 2007. When the city council allowed Hedgewood to be blocked off so many people living in apartments, including students, I began to notice loud cars using Universal to get to Dublin. Also I noticed many would slow down but just

slide right through to Dublin. With a possibility of 88 additional cars driven by students driving on Universal, this is a nightmare for me.

In addition, we were first told they would be apartments for families, not students. That was hard enough to understand, but to have 88 students, I can only imagine the additional noise that will bring especially to our owners of condos that are so

close to them without any fence or divider of some sort.

I feel this is a travesty of the city of Midland to allow this to happen. Am aware the Planning Commission approved the proposal, but I would ask you to please reconsider and think of how else the property could be used to be good neighbors instead of allowing this to happen. Thank you.

Shirley Brown

5006 Stephanie Drive

141

48640

From: Robert Everett <robbieev@icloud.com>
Sent: Monday, May 04, 2020 12:07 PM
To: Murschel, Grant
Subject: Fwd: Pnacek Development - Universal Drive

Sent from my iPhone

Begin forwarded message:

From: Terri Cooper <tacooper03@gmail.com>
Date: May 3, 2020 at 5:01:44 PM EDT
To: Robert Everett <robbieev@icloud.com>
Subject: Pnacek Development - Universal Drive

May 2, 2020

To the City of Midland Planning Commission:

Hello, my name is Phyllis Parling. I live at 5009 Stephanie. I have been a resident here at the Raintree Condominiums for 22 years. Retiring from Dow Corning in 1988, I wanted to continue my community connection with Midland by choosing this stable neighborhood in which I felt secure.

The proposed development of Danbury Place on Universal Drive will exponentially increase the population density of the surrounding area. Placing a large mass of unrelated transient adults in a small plot of land will certainly create social conflict. It is not conducive to the true nature of community. Common-unity.

With an increase in potentially over 80 more vehicles coming to and from the proposed development, the influx of traffic on Universal will create additional serious safety concerns. Exiting onto Universal from Raintree drive can be difficult due to the curvature of the street which causes a visual deficit. At my age of 90, trying to navigate safely into the heavier burden of a certainly busier thoroughfare will be a daily nightmare.

I ask the Planning Commission to please take a closer look at the placement of this development. It defies common sense and the spirit of community to erect a complex purposely designed to house as many people as possible in the smallest amount of space.

Regards,
Phyllis Parling
(989)631-7473

Murschel, Grant

From: Marilyn Shearer <shearermarilyn@yahoo.com>
Sent: Saturday, May 02, 2020 10:11 AM
To: Murschel, Grant
Subject: Apartment development

I live in the Raintree Condominiums and am concerned about the proposed new apartments. Please consider the noise level it would create. Has the water drainage issue been addressed? Thank you for your concern.

Respectfully,
Marilyn Shearer
Sent from my iPhone

From: Jennifer Nosakowski <jnosakows@yahoo.com>
Sent: Wednesday, May 06, 2020 5:19 PM
To: Murschel, Grant
Subject: Concerns Re: Site Plan No. 399 Multi-Family Residential Development

To Mr. Murschel and Members of the Planning Commission,

My name is Jennifer Nosakowski, I am a resident at 5126 Raintree Drive, Midland. I am writing to respectfully oppose the proposal of Site Plan No. 399- initiated by PKP Properties, LLC for a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive. The proposed development raises many more disadvantages than advantages to the area and overall, is not needed in this neighborhood.

At the April 27th City Council meeting, many disadvantages caused by the building of this development were raised by the Raintree Condominium neighbors and myself. The number of units within this development presents an increase in traffic patterns, traffic noise and overflow of parking into neighboring streets and the American Legion which will compromise the safety and lifestyle of current residents. The building of this development will remove one of the last remaining woodlots between Dublin and Hedgewood Drive, decreasing the water retention area and increasing the flood risk to neighboring homes. In addition, the removal of the woodlot will decrease the privacy for residents and remove the habitat of residing wildlife; negatively impacting the character and the ecosystem of the neighborhood.

Recently, this property's compliance with the City's Zoning Ordinance has been questioned as to whether it meets the Residential B requirements; requirements that have been established to preserve and protect citizens that have made long-term investments in the community. The proposed development has targeted a maximum number of 88 people, many who will be temporary residents, adding to the already densely populated, rental properties in the area. In addition, the size of this proposed multi-family development is not needed as evident by the current surrounding vacancies. As of May 4th, 2020, four of the six apartment properties located on Universal Drive and Hedgewood Drive had a total of 14 vacant units. The other two additional apartment properties had not yet responded at the time of this letter (this also does not include the other existing rental properties within the 1 mile radius on Dublin and Saginaw Road). This data, and the above described disadvantages, demonstrates that another multi-family residential development is not needed in this neighborhood.

I urge the Planning Commission to take these concerns into sincere consideration to stop or postpone the approval of Site Plan No. 399 pending revisions of the parameters of the development and the existing neighborhood needs. Thank you for your consideration.

Sincerely,

Jennifer Nosakowski

(989)330-4313
jnosakows@yahoo.com

May 6, 2020

Via Email

Mr. Grant Murschel
Director of Planning and Community Development
City of Midland
333 W. Ellsworth Street
Midland, Michigan 48640

Re: Planning Commission Review of Site Plan No. 399

Dear Mr. Murschel and Members of the Planning Commission:

Our firm represents Ms. Kathy Burwick. She recently purchased and resides at 5000 Universal Drive. Her home is part of the Raintree condominium development which is to the immediate west of the proposed apartment buildings contemplated in Site Plan No. 399. In fact, Ms. Burwick's home is most closely located to the shared property line.

As the Commission heard from some residents at its April 14th meeting, and as the City Council heard from more residents on April 27th, Ms. Burwick and the Raintree neighborhood strongly object to the project requested by PKP Properties, LLC. In addition to reasons that have already been raised regarding noise, traffic, drainage, and parking, I would like to present two other reasons why the Planning Commission should deny, or at least delay consideration of, Site Plan No. 399.

As an initial matter, we question the Planning Commission's decision to be holding meetings at all during the COVID-19 pandemic and Governor Whitmer's executive orders. The relevant orders which suspended certain provisions of the Open Meetings Act¹ state that meetings of public bodies "may" be held electronically, but it does not mandate that such meetings "must" be held. And in point of fact, many public bodies have suspended public hearings during this time. Certainly, the overall imperative of the Governor's executive orders is that non-essential matters be placed on hold. While PKP Properties may certainly desire to have this matter resolved, in no way can it be considered essential to health and safety that this business be conducted.

Travel and physical distancing restrictions have made it impossible for parties supporting or opposing matters before public bodies such as planning commissions to communicate, organize,

¹ Executive Orders 2020-15 and 2020-48.

and present their arguments as they typically would. In the case of the residents of Raintree, they are unable to meet as a neighborhood to discuss this issue, nor can they meet with counsel or other professional advisors in a meaningful way. For these reasons, we ask that the Planning Commission delay further consideration of Site Plan No. 399 until after public gathering restrictions have been lifted.

In the event that the Planning Commission does decide to proceed on this matter, it still cannot approve this site plan pursuant to the City's Zoning Ordinance. The property is zoned Residential B – which permits “multiple family dwellings” provided they comply with special standards.² A “dwelling, multiple family” is one occupied by “three (3) or more families”.³ However, the target clientele of the proposed development does not meet the Ordinance's definition of “family.” Specifically, a “family” under the Ordinance is either:

1. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

[or]

2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family *with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit.* All persons of the functional equivalent of the domestic family shall be cooking and otherwise housekeeping as a single, nonprofit unit. *This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.* There shall be a rebuttable presumption enforceable by the Zoning Enforcement Officer in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to four (4). Such presumption may be rebutted by application to the Planning Commission for a conditional land use based upon the applicable standards in this Ordinance.⁴

² Section 15.02 C.1.

³ Section 2.02.

⁴ Section 2.02, emphasis added.

The target tenants of the PKP Properties development are clearly not described by the first part of the “family” definition. As to the second part, we believe that college students in Midland for the purposes of attending university do not possess a “demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit.” Further, “family” under the Ordinance “shall not include any ... group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.” Students attending college on a semester by semester basis are, by their very nature, only there for a “limited or temporary duration.” In fact, the typical college year is not even equivalent to a full calendar year. The intent of this language in the Zoning Ordinance is to prevent transitory occupancy of properties in residential districts where other citizens have made long-term investments in the community.

It is for all the reasons that we ask that approval of Site Plan No. 399 be denied, or at least tabled for later consideration. Thank you for your time and consideration of this matter.

Very truly yours,

/s/ Adam D. Bruski

Adam D. Bruski

ADB/adb

City of Midland Planning Commission
 attn. Grant Munschel

With all these extra children
 we won't have the quiet times
 we have now.

With all the extra cars we
 will have more traffic to get
 through

With all the extra young
 people plus the ones across
 the road ones we all ready
 have. I'm sure we will have
 more peoples

We will have a lot more
 trouble.

Sorry for us not having
 all these extra

FROM LEONA BEECK





Grant Murschel
Planning Commission
Midland City Hall
333 W. Ellsworth
Midland, Mi 48640

Dear Mr. Murschel and Midland Planning Commission,

My name is Loretta Miller and I reside in the Raintree condominium development. I am writing to let you know that I strongly oppose the apartment complex development that is proposed to be built by our condos. We already have 2 apartment complexes near the condos that produce noise, partying and traffic. I am concerned that by building more apartments, we are opening ourselves up to more noisy neighbors, more fast traffic, and more rowdy college students. Not to mention the effect this could have on our property values.

Our condo development is primarily occupied by senior citizens, who purchased here for the quiet, safe environment. Please consider the abundance of apartment complexes we already have in the area, and the needs of the current home/condo owners, as you plan for the future.

Sincerely,

Loretta Miller

From: Robert Everett <robbieev@icloud.com>
Sent: Monday, May 11, 2020 8:53 AM
To: Murschel, Grant
Subject: Fwd: Pnacek Development - Site plan 399

Sent from my iPhone

Begin forwarded message:

From: Terri Cooper <tacooper03@gmail.com>
Date: May 11, 2020 at 8:51:40 AM EDT
To: Robert Everett <robbieev@icloud.com>
Subject: Pnacek Development - Site plan 399

Please submit the following letter to the Planning Commission packet.

Submission from Robert Everett directed to the City of Midland Council members on April 27, 2020.

My name is Robert Everett. I reside at 5130 Raintree. I've lived here for 23 years, moving from Detroit to this quiet community. Upon hearing about Mr. Pnacek's plan to build "town houses" next door, that in actuality are sited to be student dormitories - Party Central, I took immediate action to engage my fellow neighbors to sign a petition in opposition to this falsely presented development.

Was this location physically assessed by any member of the commission or council? Just viewing the site plan on paper doesn't address the essence of the surroundings. This dormitory is placing a massive transient population in a small acre and a half lot.

One more question - Why is this development on a fast track through the planning commission and council? Residents within the area were not informed of the April 14th virtual hearing. A public hearing WITHOUT the PUBLIC!

During the planning commission hearing on April 14th, Mr. Pnacek you were quoted as saying, "We're always concerned about our neighbors." I question the integrity of that public statement. Your plan is placing potentially 88 students with their 88 vehicles 50 feet directly next to a long standing retirement community. That is not a neighborly thing to do!

On behalf of myself the residents of the Raintree condo community, we strongly oppose the construction of this student dormitory.

Thank you for the opportunity to speak.

May 6, 2020

Via Email

Mr. Grant Murschel
Director of Planning and Community Development
City of Midland
333 W. Ellsworth Street
Midland, Michigan 48640

Re: Planning Commission Review of Site Plan No. 399

Dear Mr. Murschel and Members of the Planning Commission:

Our firm represents Ms. Kathy Burwick. She recently purchased and resides at 5000 Universal Drive. Her home is part of the Raintree condominium development which is to the immediate west of the proposed apartment buildings contemplated in Site Plan No. 399. In fact, Ms. Burwick's home is most closely located to the shared property line.

As the Commission heard from some residents at its April 14th meeting, and as the City Council heard from more residents on April 27th, Ms. Burwick and the Raintree neighborhood strongly object to the project requested by PKP Properties, LLC. In addition to reasons that have already been raised regarding noise, traffic, drainage, and parking, I would like to present two other reasons why the Planning Commission should deny, or at least delay consideration of, Site Plan No. 399.

As an initial matter, we question the Planning Commission's decision to be holding meetings at all during the COVID-19 pandemic and Governor Whitmer's executive orders. The relevant orders which suspended certain provisions of the Open Meetings Act¹ state that meetings of public bodies "may" be held electronically, but it does not mandate that such meetings "must" be held. And in point of fact, many public bodies have suspended public hearings during this time. Certainly, the overall imperative of the Governor's executive orders is that non-essential matters be placed on hold. While PKP Properties may certainly desire to have this matter resolved, in no way can it be considered essential to health and safety that this business be conducted.

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¹ Executive Orders 2020-15 and 2020-48.

and present their arguments as they typically would. In the case of the residents of Raintree, they are unable to meet as a neighborhood to discuss this issue, nor can they meet with counsel or other professional advisors in a meaningful way. For these reasons, we ask that the Planning Commission delay further consideration of Site Plan No. 399 until after public gathering restrictions have been lifted.

In the event that the Planning Commission does decide to proceed on this matter, it still cannot approve this site plan pursuant to the City's Zoning Ordinance. The property is zoned Residential B – which permits “multiple family dwellings” provided they comply with special standards.² A “dwelling, multiple family” is one occupied by “three (3) or more families”.³ However, the target clientele of the proposed development does not meet the Ordinance's definition of “family.” Specifically, a “family” under the Ordinance is either:

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[or]

2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family *with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit.* All persons of the functional equivalent of the domestic family shall be cooking and otherwise housekeeping as a single, nonprofit unit. *This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.* There shall be a rebuttable presumption enforceable by the Zoning Enforcement Officer in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to four (4). Such presumption may be rebutted by application to the Planning Commission for a conditional land use based upon the applicable standards in this Ordinance.⁴

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³ Section 2.02.

⁴ Section 2.02, emphasis added.

The target tenants of the PKP Properties development are clearly not described by the first part of the “family” definition. As to the second part, we believe that college students in Midland for the purposes of attending university do not possess a “demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit.” Further, “family” under the Ordinance “shall not include any ... group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.” Students attending college on a semester by semester basis are, by their very nature, only there for a “limited or temporary duration.” In fact, the typical college year is not even equivalent to a full calendar year. The intent of this language in the Zoning Ordinance is to prevent transitory occupancy of properties in residential districts where other citizens have made long-term investments in the community.

It is for all the reasons that we ask that approval of Site Plan No. 399 be denied, or at least tabled for later consideration. Thank you for your time and consideration of this matter.

Very truly yours,

/s/ Adam D. Bruski

Adam D. Bruski

ADB/adb

From: Bruski, Adam <abruski@wnj.com>
Sent: Wednesday, May 13, 2020 4:59 PM
To: Donker, Maureen; Arnosky, Steve; Attorney
Cc: Murschel, Grant
Subject: Site Plan 399 [WNJ-DMS.FID12662653]
Attachments: 20086259_1 Ltr to Mid PC 05-06-2020-c.DOCX

Madam Mayor, Councilman Arnosky, and Mr. Branson:

My client, Kathy Burwick of 5000 Universal Drive, asked that I forward you the letter we addressed to the Planning Commission in advance of yesterday's supplemental hearing on Site Plan 399. I wanted to take just a second of your time to clarify our position on the definition uses allowed in multi-family residential in the City's Zoning Ordinance and its restrictions on transitory housing. Commissioner Bain asked me a question, that I understand Councilman Arnosky has as well – namely, wouldn't our definition of "family" mean no one could have a roommate.

Obviously this is not a viable interpretation, nor is it one we advance. Instead, we believe the Zoning Ordinance's prohibition on residents whose occupancy "is likely or contemplated to exist for a limited or temporary duration" is meant to exclude renters whose very purpose is transitory (ex. tied to a school calendar) from what the Ordinance drafters saw as incompatible co-habitation with "families" – genetic or otherwise – as defined therein. This is not about age discrimination – a student could be 18 or 80 years old – it is about the nature of their transitory tenancy under the Ordinance.

Typical tenants – while they may be signing a yearly lease do not normally have their occupancy tied to an event of less than a year's duration. To interpret this section of the Zoning Ordinance differently would render it meaningless. Such interpretations are not favored as it is presumed everything was placed in a statute/rule/ordinance for a reason.

I request that this email and attached letter be provided to the other members of the Council in advance of its consideration of this matter. I would be happy to discuss this matter further with any of you at any time.

Thank you for all your efforts over the years in making Midland the place we choose to call home.

All the best to you and your families,

Adam



Adam D. Bruski | Senior Counsel

Warner Norcross + Judd LLP

715 E. Main Street, Suite 110, Midland, MI 48640

d 989.698.3707 | abruski@wnj.com | [profile](#) | [V-Card](#)

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The attorney-client and work product privileges are not waived by the transmission of this email.

Item Attachment Documents:

8. * Recognizing Creative 360 as a nonprofit organization in the community. TISDALE

SUMMARY REPORT TO MANAGER
for City Council Meeting of May 18, 2020

SUBJECT: Request to be recognized as a nonprofit organization

INITIATED BY: Selina Crosby Tisdale, Community Affairs Director

RESOLUTION

SUMMARY: This resolution recognizes Creative 360 as a nonprofit organization in the community for the purpose of registering with the Charitable Gaming Division of the Michigan Lottery.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Letter of Request
3. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Selina Crosby Tisdale
Community Affairs Director



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Attached please find a letter from Carol Speltz of Creative 360 requesting acknowledgement of their organization as nonprofit for the purpose of registering with the Charitable Gaming Division of the Michigan Lottery. For the fundraiser they are planning to hold, the Michigan Lottery, Charitable Gaming Division requires verification of nonprofit status by the local governing body.

You will also find attached a resolution that approves the request.

Sincerely,

Selina Crosby Tisdale
City of Midland
Community Affairs Director



Creative 360 Stage, Studios & Gallery

1517 Bayliss Street
Midland, MI 48640-5509
Phone: (989) 837-1885
Fax: (989) 837-1817
www.becreative360.org

Our mission is to create environments that allow people of all ages and abilities to experience the creative process, and to enhance physical, mental and spiritual wellness through the arts and humanities.

Core Values

Inclusiveness – No matter your age, gender, race, beliefs, skills or life circumstances, you are welcome at Creative 360 and are free to be yourself.

Creativity – We believe that imagination and free expression are essential to any person's life. We see creativity not as a finished product, but a journey of discovery, so we provide a non-judgmental atmosphere where all work is treasured.

Respect – We respect not only people, but also ideas. We are open to new and non-traditional programming. We believe in the power of saying "yes".

Community – We believe that unity and compassion are components of a strong society. We work to bring people together.

BOARD OF DIRECTORS

Mary Brown
Katie Bruessow
Bryan Dahl
Shane Forfar
Ashley Ghose
Atasha Johnson
Jessica Martin
Geoff Malicoat
Jeffery McGraw
Alex Rapanos
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ADVISORY BOARD

Karl leuter
Larry Levy
Linda Z. Smith
Bev Wenzel
Dave Wirth

INTERIM DIRECTOR

Carol Speltz

DIRECTOR OF CREATIVITY EMERITA

& CO-FOUNDER
Linda Z. Smith

CO-FOUNDER

Cynthia Keefe

A Non-Profit 501(c) 3 Corporation

April 13, 2020

Midland City Council
333 W. Ellsworth St
Midland MI 48640

Dear Midland City Council,

I am writing to you today to seek approval to have a drawing at Creative 360 as part of a fundraising event to help celebrate our 25th anniversary. We have received a gift of a beautiful graphite drawing from artist, Armin Mersmann. Creative 360 plans to seek \$25.00 donations for each name in a drawing to be held later this year. The winner will receive his framed art piece valued at \$3,800. Tentative drawing date will coincide with a Founders Dinner to be held here to honor the original two artists/creative souls that started our organization: Linda Z Smith and Cynthia Keefe. Back then, it was called Creative Spirit Center, Inc. (Townsend street) but with the move to Bayliss St. and the former Salvation Army Church, the name was changed to Creative 360.

As the COVID- 19 pandemic hit, we were in the midst of a very busy season filled with classes and events. Our innovative Yes We Can! programs that honors those in our region who are 80 and older was in full swing. A new exhibit with Midland Area Artists Guild was scheduled to be up in the gallery. A radio show/drama and several other theatrical /music events had to postponed or cancelled. Creative 360 receives funding primarily from revenue generated from our programs. Grants and donations also support our operation. A PPP grant application has been filed with our local SBA bank to help cover current payroll and utility expense. The art drawing was always intended to be a supplemental source of revenue to help fund the 25th anniversary events.

The application for a raffle license to the State of Michigan Bureau of State Lottery has been submitted. We need a copy of a resolution passed by our local government (you) stating that our organization is a recognized nonprofit organization in the community. Creative 360 is a 501(c) (3) business: tax exemption # 38 – 321474.

Please support our request. Questions may be directed to
Carol Speltz, Interim Director
Creative 360

Thank you.



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)

Item Attachment Documents:

9. * CDBG-CV Budget to schedule a public hearing for June 8, 2020 to review the first round of proposed subrecipient grants for the additional Community Development Block Grant dollars to respond to the COVID-19 pandemic. MURSCHEL

SUMMARY REPORT TO MANAGER
for City Council Meeting of May 18, 2020

SUBJECT: 2020-2021 Community Development Block Grant-COVID Relief Funds Budget

INITIATED BY: Department of Planning and Community Development

RESOLUTION

SUMMARY: This resolution schedules a public hearing for June 8, 2020 for review of the proposed budget for fiscal year 2020-2021 for the special Community Development Block Grant funds for COVID-19 Relief.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Housing Commission Staff Report
4. Housing Commission Minutes

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Grant Murschel
Director of Planning and Community Development

GRM



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

Due to the ongoing COVID-19 pandemic, the City of Midland has been awarded a special allocation of \$132,247 to be used to prevent, prepare for, and respond to the coronavirus. This allocation was authorized by the Coronavirus Aid, Relief and Economic Security Act (CARES Act), which was signed into law on March 27, 2020 to respond to the growing effects of this historic public health crisis.

The CARES Act adds additional flexibility, albeit limited, for the use of these additional Community Development Block Grant dollars (CDBG-CV). The public comment period is reduced to not less than 5 days and grantees may use virtual public hearings when necessary for public health reasons.

As customary, Planning Department staff and the Housing Commission have worked together to determine appropriate activities to fund to meet some of the current community needs arising from COVID-19. After reviewing the list of eligible activities, staff reached out to the MidMichigan Health Foundation to determine ongoing needs within the local hospital. Staff also contacted other community groups and nonprofits to determine if any ongoing need could be funded through these new dollars. Following these contacts, a single grant application was received.

To date, the proposed awards do not total the full grant. This is due to caps on funding certain activities and a large portion of the eligible activities being geared towards building acquisition, new construction or building rehabilitation that is coronavirus-related. The situation in the city of Midland to date has not required these kinds of activities therefore there are no current needs that exist. As such, staff and the Housing Commission are recommending a partial award of the total grant now and are waiting to see how the situation might change to further allocate the balance of the funds.

Following a public hearing and deliberation on the first portion of the proposed CDBG-CV budget during their meeting on May 1, 2020, the Housing Commission took the following action: It was moved and seconded to recommend approval to City Council of the proposed CDBG-CV 2020-2021 budget as presented in the staff report dated April 29, 2020. The motion was approved (5-0).

A resolution scheduling a public hearing for June 8, 2020 to review the first portion of the CDBG-CV 2020-2021 budget is attached for City Council consideration.

Sincerely,

Grant Murschel
Director of Planning & Community Development



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the City of Midland is estimated to receive \$132,247 in Community Development Block Grant (CDBG) funds for fiscal year 2020-2021 from the U.S. Department of Housing & Urban Development to be used for relief and recovery activities relating to the Coronavirus (COVID-19) pandemic; and

WHEREAS, these special CDBG-CV revenues must be programmed to activities that are eligible to be funded to support the infectious disease response; and

WHEREAS, on May 1, 2020, following a public hearing, the Housing Commission recommended approval of the first portion of activity funding proposed for the 2020-2021 CDBG-CV budget as set forth in the attached table (Attachment A); and

WHEREAS, it is necessary to provide a minimum of 5-day public comment period on the proposed budget in accordance with federal requirements; now therefore

RESOLVED, that a public hearing will be held by the Midland City Council on June 8, 2020 at 7:00 p.m. in the City Council Chambers. City Hall, 333 West Ellsworth Street, Midland, Michigan, or virtually due to social distancing guidelines as a result of the coronavirus pandemic, for the purpose of receiving public comment on the CDBG-CV budget; and

RESOLVED FURTHER, in the event the meeting on June 8, 2020 is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting; and

RESOLVED FURTHER, that City staff is hereby directed to publish a notice of the public hearing by June 2, 2020.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 18, 2020

Erica Armstrong, City Clerk

Attachment A

CDBG-CV Proposed Budget

<u>Revenues</u>	<u>Estimated Amount</u>
Estimated HUD CDBG-CV Grant	\$ 132,247
<u>Expenditures</u>	<u>Proposed Budgeted Amount</u>
Planning/Administration	\$ 0
Public Services	
MidMichigan Health – Drive-Thru Testing	\$ 6,000
<u>MidMichigan Health – COVID Telehub</u>	<u>\$ 13,837.05</u>
Public Services	\$ 19,837.05
Total	\$ 19,837.05
<i>Remainder of CDBG-CV Grant</i>	<i>\$ 112,409.95</i>



STAFF REPORT TO THE HOUSING COMMISSION FOR THE MEETING OF MAY 1, 2020

DATE: April 29, 2020

SUBJECT: Proposed 2020-2021 CDBG-CV Budget

Due to the ongoing COVID-19 pandemic, the City of Midland has been awarded a special allocation of \$132,247 to be used to prevent, prepare for, and respond to the coronavirus. This allocation was authorized by the Coronavirus Aid, Relief and Economic Security Act (CARES Act), which was signed into law on March 27, 2020 to respond to the growing effects of this historic public health crisis.

The CARES Act adds additional flexibility for the use of these additional Community Development Block Grant dollars (CDBG-CV). The public comment period is reduced to not less than 5 days and grantees may use virtual public hearings when necessary for public health reasons.

As contained below, awards totaling the full grant are not proposed due to lack of activity proposals, eligible activities and caps on funding certain activities.

Eligible Activities

Attached is a quick guide to eligible activities that CDBG-CV dollars can be used for. Staff will be reviewing this document with the City Housing Commission on during the meeting. This guidance document is continuing to change and further guidance will become available, per the City's HUD representative.

GENERAL PROGRAM PLANNING AND ADMINISTRATION

The Planning & Administration category is capped at 20% of the CDBG-CV amount. Staff calculates this cap to be \$26,449.40.

Staff Recommendation: **\$0 (at this time)**

These funds can be used to cover the City's expenses of administering this program. In the past, CDBG administrative dollars have been used to fund the position of the Community Development Planner within the Planning Department; however, this position is currently vacant and day-to-day administration of the program has move to the Director of Planning & Community Development. The City has the option to charge the time of other personnel who support the City's CDBG program including members of the Finance Department.

Use of the CDBG-CV dollars will happen in concert with the regular CDBG dollars. At this time, with the grant requests that have been received to date, staff does not anticipate an additional burden that would warrant the need of additional administrative dollars beyond what is already provided for in the current CDBG budget. This may change as time moves and additional activities are added to the CDBG-CV budget.

PUBLIC SERVICES

The public services category is capped at 15% of the CDBG-CV amount. Staff calculates this cap to be \$19,837.05.

MidMichigan Health: Midland Drive-thru Testing Sites

Request: \$6,000

Staff Recommendation: **\$6,000**

MidMichigan Health, a non-profit entity, has requested \$6,000 to cover the expenses of testing tents that were set up outside the Emergency Room and Urgent Care facilities at their Midland campus to serve patients in a drive-thru fashion. This set up reduces illness exposure and supports the increased volume of community members seeking COVID-19 testing and direction. Staff is recommending funding this request in full.

Request: \$101,064.72

Staff Recommendation: \$13,837.05

MidMichigan Health has also requested \$101,064.72 to support the expenses of the providers who are operating the virtual COVID telehub. This virtual clinic operates Monday-Friday 8:00 AM to 5:00 PM and is staffed by providers within the organization's East End location. In this virtual clinic, community members are able to call the toll-free line and, following receipt of demographic information, connect to one of the providers to assess symptoms, answer questions, and be provided with additional instructions for further treatment if necessary. Patients receive instructions for drive-thru testing is appropriate. Due to the public services cap, staff is recommending partial funding of this request at \$13,837.05.

A copy of the application by MidMichigan Health is enclosed for review.

A table of the summary above can be found on the next page, labeled Attachment A.

Housing Commission Action

Staff currently anticipates that the Housing Commission will first review this information during their meeting on Friday, May 1, 2020. A recommendation during this meeting to award portions of the grant could be rendered. The Housing Commission could also wait for additional requests or more information before formulating a recommendation.

Respectfully Submitted,



Grant Murschel, Director of Planning & Community Development

CDBG-CV Proposed Budget**Revenues****Estimated Amount**

Estimated HUD CDBG-CV Grant

\$ 132,247

Expenditures**Proposed
Budgeted Amount****Planning/Administration**

\$ 0

Public Services

MidMichigan Health – Drive-Thru Testing

\$ 6.000

MidMichigan Health – COVID Telehub\$ 13,837.05

Public Services

\$ 19,837.05

Total**\$ 19,837.05***Remainder of CDBG-CV Grant*

\$ 112,409.95

**MINUTES
SPECIAL MEETING OF THE
MIDLAND CITY HOUSING COMMISSION
FRIDAY, MAY 1, 2020 11:00 A.M.
MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC**

<https://zoom.us/join> | Webinar ID: 868 7562 9004 | Password: 970584

1. Call to Order

Loose called the meeting to order at 11:00 am.

2. Roll Call

PRESENT: Mortensen, Garchow, King, and Loose
ABSENT: Moten

OTHERS

PRESENT: Grant Murschel, Director of Community Development and Tadd Underhill,
Manager of Information Services.

3. Public Hearings

a. Community Development Block Grant funds Coronavirus (CDBG-CV)

Commissioner Moten joined the meeting at 11:05 a.m.

Murschel gave an overview of the proposed grant allocations for the special dollars that have been received by the City for coronavirus relief. He indicated that he had spoken with MidMichigan Health, Senior Services, the City's Police and Fire Departments, as well as other City Departments, to determine existing needs that have arisen from the pandemic. All general government expenses are not eligible to be covered under CDBG or CDBG-CV regulations.

The category where the most need is currently in the city of Midland is within the Public Services area. This category is capped at 15 percent of the total grant allocation, or \$19,837.05. As such, staff is recommending funding the requests of MidMichigan Health up to that cap amount.

The Commission indicated that it was logical to fund MidMichigan Health for these activities as this organization has borne a large responsibility to addressing the immediate health needs in the community.

The Commission directed staff to research more on the economic development options and requirements. This might be a potential option for future use of the dollars, in there are eligible activities to fund and an eligible entity to sub-grant to.

Mortensen made a motion to recommend approval of the proposed partial 2020-21 CDBG-CV budget, as prepared by staff. The motion was seconded by King.

Yeas: Garchow, King, Loose, Morten, Mortensen
Nays: None

The motion was approved 5-0.

4. Public Comments: None

5. Communications

Murschel indicated that the City Council had approved the proposed CDBG budget for 2020-21 for the regular dollars during their meeting on April 27, 2020. He also indicated that as grant requests become known or other community needs service, that are eligible to be funded through CDBG-CV, he will be working on an updated budget. This will likely be presented during the regular meeting on June 1.

6. Future Meeting Date

- a. June 1, 2020 Regular Meeting

7. Adjournment

The meeting was adjourned by Chairman Loose at 11:24 a.m.

Respectfully submitted,



Grant Murschel, Director of Planning and Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE MIDLAND CITY HOUSING COMMISSION.

Item Attachment Documents:

10. * Accepting the special assessment roll for the "2020 Sidewalk Improvement Special Assessment District" and setting the public hearing for June 8, 2020 on the special assessment roll. RIPLEY

SUMMARY REPORT TO MANAGER
for City Council Meeting of May 18, 2020

SUBJECT: Accept the special assessment roll for the “2020 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT” as prepared by the City Assessor and set a public hearing on the special assessment roll for June 8, 2020.

INITIATED BY: As directed by City Council resolution dated April 27, 2020.

RESOLUTION SUMMARY: This resolution accepts the special assessment roll for the “2020 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT” as prepared by the City Assessor and sets a public hearing on the special assessment roll for June 8, 2020.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Special Assessment Roll

CITY COUNCIL ACTION:

1. Set a public hearing on the special assessment roll for June 8, 2020
2. 3/5 vote required to approve resolution

Kayla Ripley, City Assessor
City Assessor's Office



City Assessor ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3334 ♦ 989.835.5701 Fax

May 13, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On April 27, 2020, the City Council held a public hearing of necessity for the “2020 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT”. The City Council approved a resolution that finds necessity for the proposed sidewalk improvement and has directed the City Assessor to prepare the special assessment roll. The special assessment roll has been prepared and is attached in this City Council packet along with a resolution that sets the date of June 8, 2020 for a public hearing on the special assessment roll.

Sincerely,

Kayla Ripley, City Assessor
City Assessor's Office



City Assessor ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3334 ♦ 989.835.5701 Fax

BY COUNCILMAN

WHEREAS, pursuant to the direction of the City Council, the City Assessor of said City of Midland has prepared and reported to the City Council the Assessment Roll covering and containing the proposed Special Assessments assessed and levied, respectively in the “2020 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT” as heretofore established for the proposed Sidewalk Improvement in said district, as designated in Resolutions heretofore adopted by the City Council; now therefore

RESOLVED, that the report concerning said improvements is hereby adopted and shall be placed on file in the office of the City Clerk, and the same shall be available for public inspection during regular business hours; and that the City Council will meet in the City Hall, 333 W. Ellsworth or virtually due to social distancing guidelines as a result of the coronavirus pandemic, on Monday, June 8, at 7:00 p.m. to hear any objections or suggestions regarding the proposed improvements; and

RESOLVED FURTHER, in the event the meeting on June 8, 2020 is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting; and

RESOLVED FURTHER, that the City Clerk give notice of said hearing by causing a copy of this Resolution to be published once in the Midland Daily News at least ten days prior to the date of June 8, 2020, and that the City Clerk also give notice of said hearing by letter to each property owner subject to Special Assessment by reason of said improvement, the addresses of said property owners to be taken from the latest Tax Assessment Roll in the City Assessor’s Office in accordance with Act 162 of the Public Acts of Michigan of 1962.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 18, 2020.

Erica Armstrong, City Clerk

City of Midland

2020 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT ROLL

Owner	Parcel Number	Frontage	Assessment Amt
DOW CHEMICAL CO 1 EAST MAIN STREET BAY CITY MI 48708 3010 WALDO AVE BEG 40 FT E & 40 FT S OF NW COR OF SEC 13 S 405.5 FT, E 188 FT N 405.5 FT W 188 FT TO BEG	14-13-80-580	406.00	8,292.47

Total:

\$8,292.47